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# THE LIFE AND TIMES

—OF—

# HON. WILLIAM P. ROSS.

FORT SMITH, ARK.,
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1893.

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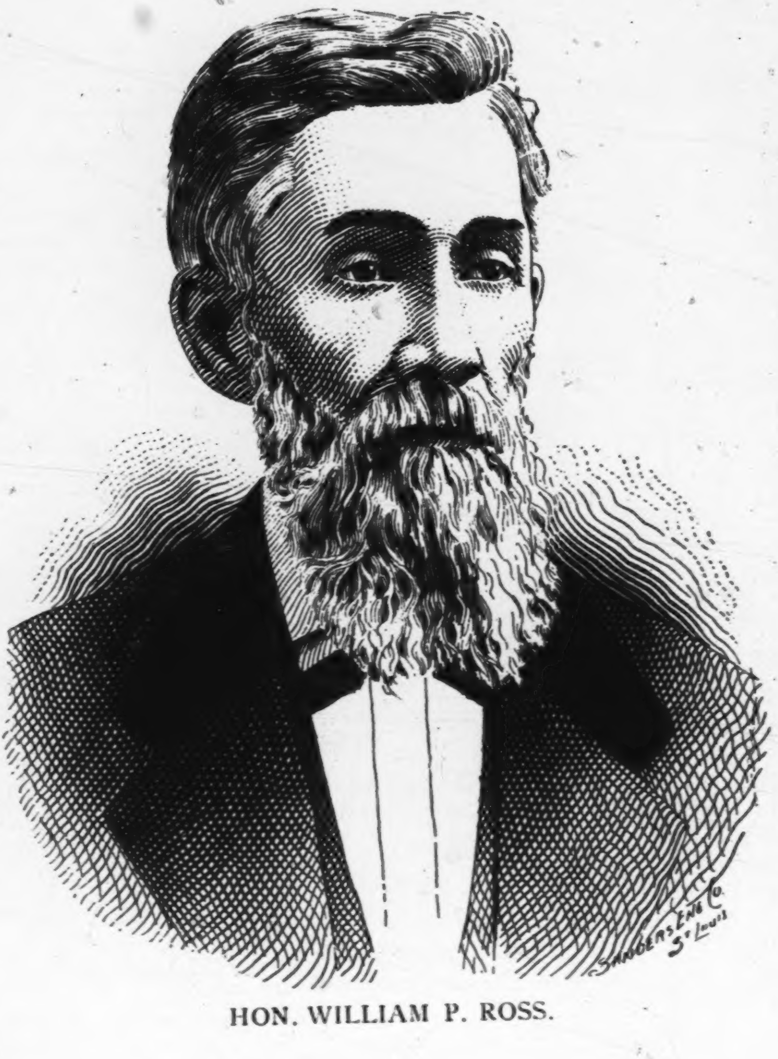
## *DEDICATORY.*

*To his many friends in the Cherokee Nation and elsewhere who have honored him, and to his cousin, Joshua Ross, whose labors we so highly appreciate, is this volume respectfully dedicated by his wife,*

*MRS. WM. P. ROSS.*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HON. WILLIAM P. ROSS.

# Biography of Hon. William P. Ross.

William Potter Ross was a native of the old Cherokee Nation; born August 28, 1820, at the foot of Lookout mountain, on Tennessee river, seven miles south from Chattanooga. He was the son of John G. Ross, a Scotchman, and Eliza Ross, a Cherokee, daughter of Daniel Ross and Mollie McDonald, who was the daughter of John McDonald and Anna Shorey. John McDonald, a native of Iverness, the capital of Highland, Scotland, was 100 years ago a trader among the Cherokees at Willstown, and there married Anna Shorey, an Indian maid, of the Bird or Eagle clan.

Daniel Ross, a member of Mayburry's trading expedition from Baltimore down the Tennessee river, was captured by Spanish-Indian warriors at Siteco, and his life saved by his countryman, John McDonald. He was a merchant, and history credits him with the first school in the Gherokee Nation, started for the instruction of his own children, viz: Chief John Ross, Lewis Ross, Andrew Ross, Susan and Anna Nave, Jennie Coody, Mariah Mulkey, Margaret Hicks and Eliza Ross, who taught her son, W. P. Ross, his first letters and sent him to the Presbyterian Mission School, taught by Rev. Wm. Potter, in Will's Valley, Alabama. He afterward went to the Academy of Greenville, East Tennessee, a town known for its learning and refinement, and as the home of Andrew Johnson, President of the United States.

At Lawrenceville, New Jersey, when seventeen years old, W. P. Ross entered Hamil's preparatory school, and in 1842 graduated at Princeton College with the honors of his class of forty-four young men from nearly every state in the American Union. Princeton is one of the oldest and best institutions of learning in the United States.

He was five years in the North and came South to find his home moved to the Indian Territory, "outside the jurisdiction of any state or territory," by the treaty of 1835. Under its provisions the Cherokees had emigrated from mountain homes, rich valleys and beautiful rivers of Alabama, Carolina, Georgia and Tennessee. Here their new log cabins were situated near clear springs from flint hills and their fields were in the valleys of the Arkansas, Canadian, Illinois, Grand and Verdigris rivers. He came to his father and mother at Park Hill, center of the Cherokee Nation.

The treaty had determined the bounds of the nation. Eastern and Western Cherokees had united under one government in July, 1839, at the camp ground of Tah-lon-tes-kee, above the mouth of Illinois river. The constitution of the Cherokee Nation was adopted and proclaimed, laws enacted and enforced. The districts were named, and Tahlequah was declared to be the capital of the Cherokee Nation. Courts of justice were created and located.

Appropriation for eleven public schools was made by the national council. There were two Cherokee teachers and nine American teachers. The American missionaries, Dr. Butler, Butrick Bishop, Cummins, Jones and Worcester, had planted churches and schools at Fairfield, Dwight, Park Hill, Baptist Mission and Moravian Mission. Rev. David Cummins was presiding elder and followed his Methodist circuit to the extreme borders of the Cherokee Nation. The christian missionaries and the christian Cherokees in a common cause united and organized bible and temperance societies. Rev. Evan Jones and Rev. Samuel Worcester, aside from lecturing and preaching, translated scripture for Cherokees who could not read English. The *Cherokee Messenger* and *Cherokee Almanac* were also fruits of their labor, directing the way of life. The missionaries worked for the good of the Cherokees to the end of life and their good works do follow them. The younger Cherokees will ever kindly remember friends of their fathers. The *Gospel* and *Constitutional Law* came to the Cherokee Nation and were introduced by the christian missionary-teachers, intelligent men and converted interpreters. In the fall of 1842 W. P. Ross taught the Indian children of Fourteen-Mile creek in the "old field school house," the log cabin Methodist church of Rev. John Fletcher Boots, a Cherokee of spiritual power in his pulpit. Dr. W. W. Campbell, of Webber's Falls, was a pupil of the school.

The invention of the Cherokee alphabet by George Guess, or Sequoyah, stimulated the Cherokees to learn letters and cultivate the mind, and now they have a newspaper, the bible and laws printed in their language. In 1842 Sequoyah, in search of new adventures, with his son, Tesee Guess, and a few friends, packed horses and traded among the Comanches in the Western plains on his weary, weary way to Mexico, and in that land he died, near the banks of the Rio Grande. His name is preeminent among his people, and will go down to the coming ages as the Cherokee Cadmus. His friendly influence among the wild tribes of the Pawnee hunting grounds led them to the council fire kindled at Tahlequah in June, 1843. The aged assistant Cherokee chief, George Lowry, was master of ceremonies and he explained the Indian language of wampum, pipe and tobacco. The tribal compact was proclaimed July 3, 1843. It was the most important Indian council ever held on the American continent. It aimed to preserve the Indian race in fixed homes on lands secured to them by United States patent, in perpetual peace under the protection of law, commending agriculture, education, religion and all useful arts to promote the comforts of women and children. Twenty-one nations and tribes were represented, and since that day and year there has been no Indian war on the borders of the territory; and it united Osages, Creeks and Cherokees as a band of brothers. They are the friends of other Indian tribes.

On Monday, October 3, 1843, William P. Ross appeared at Tahlequah, the capital, and was duly presented to the national council of the Cherokee Nation. He was elected clerk of the senate, and for that house drafted laws and for the chief wrote state papers.

At that time Tahlequah was a village, and the people drank water from Wolf's spring at the foot of the hill. In the public square were council shed and speaker's stand. Around it were the taverns of Susan Taylor, Johnson Foreman, Thomas B. Wolf, Jesse Wolf, and the cabins of public cooks, with the stores of Murrell, Meigs, Ware and Delano.

Officers of the Cherokee government after act of union of Eastern and Western Cherokees were, viz:

John Ross, principal chief
George Lowry, assistant chief.

### EXECUTIVE COUNCIL.

John Looney, Richard Taylor, Thigh Walker, Eagle and Big Pheasant.

### LEGISLATIVE DEPARTMENT.

Sequoyah district—John Benge and James Brown, Senate; Tobacco Will, Hunter Langley and James Payne, Council.

Illinois district—John Drew and William Drew, Senate; Arch Fields, John Brewer and Richard Drew, Council.

Canadian district—Wm. Dutch and Joseph Talley, Senate;

Dar-loh-se-ne, Oo-soo-dy and Lightning Boles, Council.

Flint district—Samuel Downing and Jesse Russell, Senate; David Downing, Chu-noo-luh-husky and Bark Flute, Council.

Going-Snake district—Thomas Foreman and Young Glass, Senate; De-nah-la-whi-stah, Six Killer and Wm. Proctor, Council.

Tahlequah district—John Spears and James Saunders, Senate; John Riley, Hair Canard and Arch Campbell, Council.

Delaware district—Moses Daniel and Old Fields, Senate; Hanging Charles, Goo-lah-chi and Chuwo-cha-koh, Council.

Saline district—Charles Coody and Beaver Carrier, Senate; Fish Tail, Oo-soo-ya-duh and Chu-wa-loo-gee, Council.

Charles Coody, president of Senate.

James M. Payne, speaker of Council.

Wm. P. Ross, clerk of Senate.

J. Mulkey, clerk of Council.

### JUDICIARY—SUPREME COURT.

Jesse Bushyhead, chief justice.

John Thompson Adair, George Hicks, Moses Parris and Thomas Pegg, associate judges.

Robert Daniel, clerk.

John Thorn and Thomas J. Pack, circuit judges.

### DISTRICT COURTS.

Sequoyah district—Mike Waters, judge; George Lowry, jr., sheriff; Joseph Blackbird, solicitor.

Illinois district—James Soo-we-cul-ler, judge; Alex. Foreman, sheriff; Daniel Spencer, solicitor.

Canadian district—R. G. Anderson, judge; James Mackey, sheriff; Lewis Riley, solicitor.

Flint district—Eli Smith, judge; Wm. Griffin, sheriff; Brush-heap, solicitor.

Going-Snake district—Moses Downing, judge; George Scraper, sheriff; Young Squirrel, solicitor.

Delaware district—James Kell, judge; Jesse Cochran, sheriff; Anderson Springston, solicitor.

Tahlequah district—Riley Keys, judge; Ben Downing, sheriff; LeRoy Keys, solicitor.

Saline district—Bird Doublehead, judge; John Brown, sheriff; C. V. McNair, solicitor.

David Carter, superintendent of public schools.

An act of the national council in 1843 authorized the publication of the *Cherokee Advocate*, a newspaper to inform and encourage the Cherokees in agriculture, education and religion; and to enlighten the world with correct Indian news. William P. Ross was elected editor, and under the act, in one year started the paper. The first number of the *Cherokee Advocate* appeared in September, 1844. James D. Wafford was translator, Ned Bushyhead, Bird Wilson, Mark Tiger and Chilly McIntosh were printers, some of them then and others afterward. The prospectus and editorials were well written productions. The young editor improved his time by work and commanded the confidence of council and executive officers. Four years editor of the *Cherokee Advocate* at Tahlequah, he was devoted to composition, news, literature, law and treaties. Diligent application to his work made him a profound thinker, ready writer and a fluent speaker.

He improved and sold to his cousin, John Hawkins, sr., the beautiful farm of Henry Woods, two miles south of Tahlequah, on the Fort Gibson road, one-half mile west of Cherokee Male Seminary. He was married in 1846 to Miss Mollie Ross by the Rev. John Page, a young Choctaw Methodist preacher. He and his bride then visited Frozen Rock, the refined and romantic home of his relative, Hon. W. S. Coody, senator of Canadian, a man of ability, intelligence and wealth—known as the writer of the act of union of Eastern and Western Cherokees and the constitution of the Cherokee Nation; a friend and trustee of the Cherokee Male and Female Seminaries. A Cherokee delegate in 1848, he died and is buried in the national cemetery at Washington City, among illustrious Indian chiefs who rest in that burial ground.

Wm. P. Ross was a friend and trustee of the seminaries from their foundation to their completion and operation—May 7, 1851.

Retiring from editorial work W. P. Ross was a merchant and a lawyer. He represented Tahlequah district as a senator in Cherokee national council. He was sent on delegations to Washington during his public life with Hon. David Vann, national treasurer, Chief Joseph Vann, Judge Thorn, Hon. Elijah Hicks, Hon. Clem V. McNair, Judge Riley Keys, Young Jesse Bushyhead, Chief W. P. Adair and Chief D. W. Bushyhead. He was the peer of those eminent patriots of the Cherokee Nation, at home and before the Indian Department in Washington City. His arguments on Cherokee rights and the Indian question are clear, conclusive and grand. His address gave satisfaction to his associates in business and gained the friendship and respect of intelligent Indians and American statesmen. His written arguments are eloquent specimens of the Indian master of English composition.

W. P. Ross left Park Hill, moved to Fort Gibson, and was there merchant, and senator of Illinois district in national council.

In 1860 W. P. Ross was secretary for his uncle, the national treasurer, Lewis Ross, of Grand Saline, a prince of Indian merchants.

The civil war of 1861 in the United States drew the army to Washington and the Potomac to defend the American capital. Forts in the Indian Territory were abandoned and the

Cherokee Nation was left unprotected. Pike's Confederate treaty promised the protection that the United States failed to give. It was signed against the better judgment of W. P. Ross and six months after date its provisions were null and void. General Albert Pike retreated from the battle of Pea Ridge, Arkansas, a distance of 250 miles. and left his new-made wards to the mercy of war, stringing his army along through the Cherokee, Creek and Choctaw Nations, passing through Limestone Gap, on among the Boggies, and halted at Carriage Point, on the Blue, "away down along the Chickasaw line." Cherokee Knights of the Golden Circle followed Pike's retreat to Texas. Cherokee "Pins" joined the Union army and occupied the land to the end of the war. In 1862 Colonel Cloud moved Chief Ross from Park Hill within the Union lines, and his mansion on the hill left alone made a torch light for raiding Knights of the Golden Circle.

Col. W. P. Ross, a Southern officer under "parole of honor," followed his friends North, and in the summer of 1863, at Fort Gibson, he was partner in the sutler's store for the Third Regiment Indian Home Guards. He and Captain James Vann sent a message for Southern Cherokees to come home and live in peace. The messenger was a Cherokee girl, who delivered the word to a leader of the Southern Cherokees camped on the bank of Poteau river, Choctaw Nation. W. P. Ross said he would rather have his people united than to see them fight each other.

Wm. P. Ross was no enemy to any part of the Cherokee people. He was no enemy to the Southern Cherokees. He was not the author of the confiscation law passed by the Cherokee council at Fort Gibson in the fall of 1863. He rode no horse of any Southern Cherokee, nor did he ever injure a Northern or Southern man in person or property, When chief, on official business at Washington City in 1867, he told a political opponent who asked special favors, that he would do the will of the Cherokee people, and not act for a part to the exclusion of the mass of the Cherokees. The same Southern man, whon he took the oath of second chief, on the speaker's stand in the public square at Tahlequah, said "his party elected him to office, but he would be chief of the Cherokee people." If the sentiments spoken by the latter was good, it should be good spoken by W. P. Ross. This statement is made to eorrect a common report, fabricated for political use, that "W. P. Ross was an enemy to Southern Cherokees." He was a friend of humanity, a lover of Northern and Southern Cherokess, united in one nation.

At Fort Gibson, on a summer's night in 1863 the sutler's store for the Third Regiment Indian Home Guards was burnt by the torch of an enemy—loyal or rebel, jealous or malicious, was never known. The trade was good; the loss, $30,000, and the firm involved in debt.

In the Indian peace council at Fort Smith, Ark., September, 1865, at the close of the war, W. P. Ross and the solid Cherokee delegation defended his uncle, John Ross, against the attack of Indian Commissioner D. N. Cooley, who presumed to depose the old chief. But the honorable commissioner, D. N. Cooley, failed to depose the old man, a chief of his people forty years, and who died at the good old age of seventy-five years in Washington City, August, 1866. The acknowledgement is so stated in the treaty of 1866, between the United States and the Cherokee Nation, proclaimed by Andrew Johnson, president of the United States.

The death of Chief John Ross gave to the national council a right to fill the vacancy with a man of their choice. William P. Ross was called to sit in the honored, but empty, seat of his uncle. He wrote amendments to the Cherokee constitution to suit provisions of the new treaty, which were adopted by a general convention of the people, called by proclamation of the principal chief, November 28, 1866.

In 1867 W. P. Ross, Riley Keys and Jesse Bushyhead were duly authorized commissioners on the part of the Cherokees to negotiate a treaty with the Delawares, who were admitted and made citizens of the Cherokee Nation.

After the death of the lamented Lewis Downing in 1873, W. P. Ross was again elected by the national council to fill the vacant office of principal chief. In 1872 he was delegate to the general Indian council at Okmulgee, provided by Indian treaties with the United States in 1866. Expenses of the council were paid by the United States, and presided over by Hon. Enoch Hoge, superintendent of Indian affairs. His report on agriculture and education, to the council, are full and interesting.

In 1875, after retiring from public life, he was elected editor of the *Indian Journal*, at Muskogee, Ind. Ter., and from that newspaper we publish in this book and sketch his editorial on Major George Lowry. He was afterward elected by stock companies editor of the *Indian Chieftain* at Vinita, and editor of the *Indian Arrow* at Fort Gibson and Tahlequah.

During the administration of D. W. Bushyhead he was on the board of education and the court of citizen claims, positions which he filled according to the letter and spirit of law. In 1889 he was elected senator for Illinois district, and served his term in the national council. By recommendation of Chief Mayes he was put on the Cherokee commission in the negotiation for the Cherokee Outlet. The commission not agreeing on terms, the United States commissioners retired and returned to Washington.

In November, 1890, a bill was introduced before the Cherokee Senate for reopening the male and female seminaries, as those high schools had been stopped by act of council for want of funds to defray their expenses. It is said he made an inspired extemperaneous speech in defense of the seminaries, one of the best and ablest efforts of his life, for he ever aspired to promote the cause of education in the Cherokee Nation. He was one of the men who read the picture of schools and seminaries in treaties and laws, saw them alive in the United States, and devised ways and means from the national school fund to increase the number from eleven to one hundred public schools, build and enlarge the seminaries, and made the day of their opening May 7, 1851, a holy day (anniversary) for Cherokee youths who should be so fortunate as to enter the temples of education. "Knowledge is power," and will for all time defend Cherokee lands, money and institutions, transmitting the inheritance to generations yet to come.

W. P. Ross delivered his last political speech in Tahlequah Thursday, July 6, 1891, in favor of his young friend, Hon. George Benge, national candidate for principal chief. In the afternoon he returned to his home at Fort Gibson, which is surrounded by a yard of forest trees, garden of vegetables and a well trimmed orchard overlooking his bottom fields. On Sunday, in conversation with his wife, he said he had never done anything for which his children would ever be ashamed; that he "believed in the great hereafter." Monday morning, July 20, he died of heart failure, while waiting for the train to take him to Hanson. On Tuesday, July 21, his funeral was preached by his friend, Rev. Dr. Williams, of Muskogee. His corpse was followed to the Cherokee national cemetery on a prairie hill two miles east from Fort Gibson by a large procession of neighbors and friends, and near the cedar planted by his hands he was buried with Masonic honors. The fraternity came from Tahlequah, Muskogee and Fort Gibson, and paid their last tribute of respect to the departed and illustrious brother who had lived through seventy-one years in the Cherokee Nation, had shared the troubles and witnessed with delight the prosperity of his people in their improvement in departments of agriculture, education and religion.

The leading traits of his well developed character are worthy of admiration and imitation. At school, academy and college he was bright, obedient, studious and proficient in his studies, and carried home merit for deportment and first honors of his class. Among his friends and associates he was pleasant and instructive; as a lawyer he ranked high at the Cherokee bar; he was not a warrior, but conservative, loving peace; he was a fluent speaker and a good writer; a man of moral courage, he was not afraid to tell his sentiments on proper occasions; a friend of youth, he provided schools for them; he was liberal, giving to the needy and feeding the hungry when they came to his door. Even his political opponents respected him, and his friends loved him. His name is connected with the laws and history of the Cherokee Nation. On the day of his death he was vice-president of the Indian International Agricultural Society and Fair Association at Muskogee, recommended for the encouragement of agriculture and stock-raising and approved by the general council of the Indian Territory. A great many letters of condolence were written to the family by friends of W. P. Ross.

## MAJOR GEORGE LOWRY.

### FORMERLY ASSISTANT PRINCIPAL CHIEF OF THE CHEROKEE NATION.

**For the *Indian Journal*, August 17, 1876, by W. P. Ross.**

It is with a feeling of diffidence I attempt to say anything respecting the life and history of a man naturally so great, and so universally respected as the one heading this article, Major

George Lowry. Yet I cannot withhold my tribute to the memory of the man who perhaps more than any other Cherokee, deserves to have his name kept in remembrance of his people.

The greatness of Major Lowry was not of that type of heroism that, flashing like the meteor or like the glowing comet, challenges admiration for some individual acts of prowess or skillful manipulation of some stirring event, to weave from the necessities of man garlands for the individual brow, but his appears to have been a life of unwavering devotion to the principles of rectitude and truth. He was noted for truthfulness; his word esteemed good as his oath; his promise equal to his bond. Physically he was tall, well developed and of dignified carriage. An approachable man, even by children, and yet not a man likely to be treated with disrespect by any. Not perfectly free in the use of the English language, he had no superior in the use of his own. His diction was considered the best, always clear and free from ambiguities. His public career runs through the most eventful history of the Cherokee people, from the adoption of the costume and habits of civilized life down to the period of his death in October, 1852.

Before he had reached the years of maturity, he was employed by an officer of the army to carry a dispatch to a commander in Canada, which he accomplished, traversing that then vast wilderness on foot, successfully eluding all enemies, both going and returning.

The title of Major was not merely an honorary one, but one gained by faithful military service under Gen. Jackson, during the war of 1812. At that time he lived north of the Tennessee, on Battle Creek, or Niccojack Cove.

When he and his brother, Col. John Lowry, together with all the Cherokees living in that neighborhood, were compelled by the intolerance of the white settlers, to remove from that locality, they settled near the northern end of Will's Valley, about fifty miles south-west of Chattanooga. Several of his children attended the mission school at Brainerd, and he and his wife, Lucy Benge, were early members of the mission church (Presbyterian). On the organization of the Willstown Presbyterian church he was installed one of the ruling elders, an office he sustained with zeal and fidelity until the removal of the people west in 1838-39. After the removal, the churches having been reorganized as Congregation churches, for greater convenience in their more isolated condition, he was chosen one of the deacons of the Park Hill church, which position he held at the time of his death.

Major Lowry was ever an active friend of, and earnest coworker with, missionaries. Especially were his services invaluable as an interpreter. Often his tall form was seen by the side of the minister in the sacred work, silk handkerchief in hand, which he wound vigorously around one hand or the other when not wanted to wipe the perspiration from his manly brow. As each sentence was announced by the preacher, if it was clearly understood by the interpreter it was immediately rendered with equal clearness and force into Cherokee. But if, as sometimes was the case, the sentence was of such a character, or so framed that its meaning was not perfectly clear to his mind, the preacher would hear the curt expression, "Can't go it," nor would he attempt to "go it" until the sentence was remodeled or explained so that he clearly understood it. The bible was his constant study. The prophecies of Isaiah were greatly admired and portions were translated by him into the Cherokee language.

As a politician, though always among the most prominent leaders of his party, his course was so uniformly manly and just as to command the respect and confidenee of all, even those arrayed against him, when party contention ran so high at times as to almost run into intestine war.

After the death of Principal Chief Hicks, it was desired by many to place him in that position, but he magnanimously declined in favor of one deemed more competent in many respects to fill the office, and was placed in the second position, that of assistant principal chief and executive adviser. In this capacity he served his nation for most of the time during thirty years, frequently serving as principal chief, as required by the constitution, during the absence of the principal chief.

Major Lowry possessed in an eminent degree that wit and quick retort so common among the Cherokees of the older stamp, which gave so much zest to their social life, and he could be sarcastic when occasion required. It is related of him that on one occasion, when at the city of Washington as a delegate, he listened to a speech by a member in one of the halls of congress which was unsparing in denunciation and invective against the Indians, charging them, among other things, with living on roots, wild herbage and disgusting reptiles. Lowry boarded at the same hotel with the speaker and many other members of congress, and at dinner called repeatedly in a loud voice to the waiter to bring him some of those "roots" (a dish of sweet potatoes), each time taking a small one to be able to protract the calling, and remarked to his fellow boarders, "We Indians are very fond of roots; these are the kind of roots we live on." This, as intended, directed the general laugh against the orator of the morning.

In the death of this good man the nation mourned the loss of one of its strongest men—the church one of its best. The national council, which was in session at the time of his death, demanded the chief mourner's place. His remains were taken from his residence to the capitol of the Cherokee Nation, where, by invitation of the council, Rev. S. A. Worcester delivered a funeral discourse in the presence of both branches of the national council, members of the executive department and other officers, and many citizens of the Cherokee Nation. The estimation in which the deceased was held by his pastor, the veteran missionary Worcester, who knew him well for so many years, and so little disposed to flatter either the living or the dead, might be in some measure judged by the text selected as the theme of his remarks on that occasion—"And he did that which was right in the sight of the Lord."

His remains rest in the national cemetery at Tahlequah, marked by an appropriate but unpretentious monument.

EDITOR.

Written by W. P. Ross when editor of the *Indian Journal*, published at Muskogee in 1876.

# Address of Hon. Wm. P. Ross to the Cherokee Council.

*To the Members of the National Council:*

FRIENDS AND FELLOW CITIZENS:—Without solicitation, you have been pleased to elect me to the vacancy caused by the death of John Ross, Principal Chief of the Cherokee Nation. I accept the trust with sincere thankfulness for the confidence it implies, and a full sense of the responsibility it imposes. Under the most favorable circumstances, the position is beset with difficulties. It is more so now than is generally the case, for the condition of the country is peculiar. The Chief, upon whom the Cherokee people leaned so long for support, has fallen; a protracted war has desolated the land and a material change in the policy of the government toward the Indians is passed upon us by our recent treaty. The tribute paid to the memory of the late Principal Chief, by Col. Downing, the Assistant Principal Chief, in his message, submitted at the beginning of the session, and the action you propose to take in reference to his remains, relieve me of the propriety of here dwelling upon the services he rendered to the Cherokee people. His name will be always associated with that of our Nation and will be memorable alike for the length of time and the great ability and firmness with which he guided her affairs. There have been but few Rulers whose sway did not extend over broader fields, a greater population and more diversified wealth and resources—fewer still who, amid such conflicts as have marked our history that held unbroken, for nearly half a century, the entire confidence of the great mass of their constituency. And now that he is dead let us as a people, cherish his virtues and follow his example of fidelity to his people and an unwavering reliance upon the innate power of right. We shall need them in rebuilding wasted homes, in repairing the fearful losses of war, in imbuing the hearts of our people with the spirit of peace, in uniting them in the bonds of fraternal concord and in preparing them for the industry, perseverance and knowledge that will enable them to improve their condition, maintain their valuable rights and keep pace with the progress of pending improvements.

The havoc of war is over. Let its passions and its lawlessness end. Let the Cherokee people learn that all their interests and hopes lie in union of sentiment and action. However profitable to others, strife is fatal to themselves; it is the lever of ambition and cupidity and will be used for overturning our most precious rights. It has multiplied our difficulties in the past, increased the afflictions of the present and will present the greatest dangers in the future. Differences of opinion will necessarily exist, but they should be tempered by forbearance. It is gratifying to know that so few unlawful acts have occurred since the close of the war and that our own people have never been so quiet, so temperate and orderly in all respects as at present. I cannot recall any acts of violence of political origin that have been committed in that time. Let us hope that as the late treaty grants immunity for the war, that our sense of mutual prosperity will continue to us hereafter the vigor of law and order, and that our highest efforts shall be directed to the promotion of harmony among ourselves.

The treaty concluded at Washington by the delegation of the Cherokee Nation, on the 19th of July 1866, having met the approval, and being signed by the President of the United States, is now the supreme law. Whatever may be our opinion as to the justice and wisdom of some of the stipulations it imposes, we have full assurance that the delegation obtained the most favorable terms they could, and it is our duty to comply in good faith with all its provisions. By this course the Cherokee people will not only perform a simple duty but may be able to render harmless those articles of the treaty which, regardless of our constitution, changes its provisions and clearly contains the germs of future strife and division.

As you have now before you such amendments to the constitution of the Nation as appear to be rendered necessary by the treaty, I simply recommend their careful consideration and early adoption. Your repeal of the confiscation laws and the enactment of a law providing for the restoration of the "farms and improvements on real estate," sold under them, at a period as early as seems to be at all consistent with a reasonable regard for the interest and convenience of the purchasers, furnish an evidence of the purpose of the National Council to comply with the treaty, however onerous it may be to their constituents, that cannot fail to meet the approval of all reasonable claimants. More particularly is this the case when it is remembered that many of our people who have been South, having amicably arranged terms with the occupants, have already returned to their homes and quietly settled down among their former friends and neighbors, to the ordinary pursuits of life. By the existing law of the Nation, an improvement on a farm that has been abandoned for two years, reverts to the Nation and becomes liable to be occupied by any citizen of the Nation in the same manner as any other portion of the public domain. The rigid application of this act under the circumstances in which the country was placed during the war, would cause much hardship and .injustice. I therefore recommend the enactment of a law extending for a few months the time in which all claimants of such places shall be allowed to renew their occupation of them and more stringent measures to prevent the monopolizing of the public domain by mere nominal claims. This subject will be found to be of particular importance if at any future time the Cherokee's shall become the individual owners of their soil, as they are now of property of every other description.

The eleventh article of the treaty, before referred to, grants the right-of-way through our lands to such railroads as may be authorized by act of Congress running from any point North to any point South, or from any point East to any point West of them. The application of the President and Secretary of the Union Pacific Railroad, Southern Branch, authorized by act of Congress, and which is now before your National Committee for your co-operation in constructing said road through the Cherokee country, from the southern boundary of Kansas, via

Fort Gibson, to Ft. Smith, Ark., presents the subject of railroads and telegraph for your consideration. Having but a few days since, as a member of one of your honorable bodies, expressed my views as to the cause we should pursue in relation to that particular road, and to the progress of public improvements generally among the Cherokee people, I deem it necessary to report now what was then said. I am favorable to granting the aid asked for, to the extent and in the way then indicated. I am opposed to a grant of lands to railroad companies for sale and settlement by a white population east of the ninety-sixth degree of west longitude; but am in favor of applying to the road named a part of the proceeds of our large domain that lies west of that meridian whenever the same may be sold in the manner and for the purposes named in the treaty of last July.

As it will become necessary to cause a census to be taken of the Cherokee people soon, I respectfully recommend that you make such provisions for it by law as will insure the greatest accuracy and obtain such statistics in regard to population, live stock, products of the soil, etc., as will possess general interest and utility. The names, ages and residence of all whites who are citizens by adoption, and of all blacks admitted to the full rights of Cherokee citizenship by the ninth article of the treaty, should be carefully and fully recorded and filed in the executive office. All such persons not properly in the country should be removed and I suggest that you adopt a resolution calling upon the United States Agent to have that duty performed.

By the eighth article of the treaty, no person can be licensed by the United States, without the approval of the National Council, to trade in goods, wares or merchandise in the Cherokee country but the district therein excepted. To prevent the evasion of this stipulation by nominal ownership of merchandise, or partnership in trade by citizens and non-citizens of the Nation, and the vexatious actions of law before the United States Court in Arkansas, or that may be established in the Indian country, it will be advisable to pass a law regulating the subject of trade. It should require citizens engaged in trade to take out license, to name in all partners interested and impose a reasonable tax upon all goods bought or introduced into the country. It might also be proper to require peddlers and dealers from the states, some of whom are probably evading the revenue laws of the United States, to obtain a license for the privilege they now assume.

As much confusion may result in the future, as our people advance in knowledge and increase in wealth, from the want of suitable laws regulating the subject of marriages, as to the right of widows and heirs-at-law, it will be advisable, in my opinion, for you to pass a law which shall require all marriages to be duly solemnized before lawful authority and recorded, in a specified time in a book to be kept for that purpose by the clerk of the district court in which such marriage may occur.

The public schools should be apportioned in the several districts, according to population. Until that can be done, it will be advisable for the national council to authorize the superintendent to establish a limited number of schools in such neighborhoods as he may deem most needy and where the schools will probably be sustained. It should also confer authority on him to establish schools for the benefit of colored children, who will be entitled to participate in the school fund according to their number. In connection with this subject, the large number of destitute orphans in our midst will claim your earnest attention and sympathy. The war has largely increased their number and lessened the ability of their friends to provide for their wants. This is particularly true of those who joined the union cause and may be also of those who were South, although I cannot speak of them from personal observation. What shall be done to relieve their wants and train them up in industry, morality and knowledge, it is difficult to determine. I would, however, suggest the propriety of calling the attention of boards of religious denominations, who have missions among us, to their condition, and ask their aid in affording them homes and the means of education. A well regulated system of apprenticeship, to kind and responsible guardians, would place the means of acquiring habits of industry and a practical knowledge of the more common and useful arts of agriculture and mechanics within the reach of many who will otherwise grow up in idleness and ignorance. On the part of the Nation, it would be wiser, more humane and less expensive, to spend all of her available funds in providing properly for the rising generation among us than to leave them to want and neglect and then eventually restrain their vices and punish their crimes.

As the question of indemnity for losses sustained during the war has been left open and unprejudiced by the express terms of the late treaty, it will be well for you to authorize the prosecution of the claims of our citizens for such losses. In the meantime, steps should be taken at once, to ascertain this amount and preserve the proof to substantiate them. A board of intelligent and upright men should be appointed to audit all just claims of the kind referred to and which shall clearly distinguish those committed by union soldiers and whites, from those perpetrated by Southern troops and raiding parties.

A small delegation, empowered to act in behalf of the Nation, in prosecuting this and other interests should be appointed before your adjournment. It will also be incumbent on you to elect the commissioners to which the Nation is entitled under the treaty, to aid in appraising the neutral lands and in running the boundary between the Nation and Arkansas, Missouri and Kansas. The Cherokee Nation is deeply interested in the discharge of these duties and they should be entrusted to none but a commissioner of integrity and intelligence.

Earnestly hoping that God will bestow upon us peace and prosperity, I again thank you for the honor you have conferred upon me and ask your aid and confidence in the discharge of my duties.

## Report to the General Council on Agriculture.

The committee to whom the duty was assigned of reporting upon the agricultural interests and resources of the Indian Territory, regret to say that they have no data upon which to estimate, even approximately, the quantity of land in cultivation within the limits of the Indian Territory.

The Creeks, Cherokees, Choctaws, Chickasaws, Seminoles, Shawnees, Delawares, Senecas, Quapaws, Ottawas, Wyandottes and the confederated Peorias. Weas, Piankeshaws and Kas-kaskias, are an agricultural people and rely upon the cultivation of the soil and the raising of stock for their livelihood, and the Sacs and Foxes, Osages and others are making commendable progress in that direction. The extent of their farms vary from a few acres to two or three hundred, and in one instance, in the Chickasaw Nation, in the fertile valley of the Washita, to more than two thousand acres. While there are many farms sufficiently large, the majority of them might be increased with great advantage. The interest in this respect is growing, and since the close of the war to the present time, there is a marked progress in the general improvement of the buildings and farms among the Indian people. In these respects there is wide room for further advancement, and this we confidently expect to witness, whenever the constant agitations in Congress and elsewhere. which so much disturb the security of the people and discourage all their efforts to improvement, shall cease.

But notwithstanding all adverse influences, the condition of the people is not stationary, but progressive. The idea which obtains to a considerable extent, in even otherwise well informed circles, remote from the homes of the Indians, that they live by hunting, fishing and trapping, is entirely erroneous so far as applied to the nations and tribes enumerated above. They are settled and not nomadic in their habits, and rely upon the cultivation of the soil for their subsistence. Their advancement is not all that we could desire, but is an earnest of better things in the future. and shows a susceptibility for further improvement, and with proper efforts, the native ability to reach a genuine civilization. A large area of the inhabited portion of the Indian Territory is well adapted to the use of improved agricultural implements. Their introduction, as yet, is limited; but perhaps equal to what should be expected, when it is borne in mind how much men are apt to do as their fathers did before them, as their neighbors do around them, and as the limited means at their disposal allow. Reapers, mowers and threshers, of different patterns, are seen in some places, while improved plows for turning prairie land and working crops, are found in large numbers. We would desire to impress the people of the Territory engaged in agriculture, with the importance of giving more attention to this subject than is now done. Good implements, well and timely used, lighten the burdens of labor, impart a real pleasure to employment and largely increase its results. They relieve both man and beast, and directly increase the value of time by increasing its results. The crops which can be proffitably grown in the soil and climate of the Indian Territory, are very nearly all those adapted to a rich soil and temperate latitude. Corn is the staple crop, and even under our somewhat defective method of cultivation, yields upon an average from thirty to sixty bushels per acre. In favorable seasons it does well in all portions of the Territory. Wheat is not so generally grown as it should be, chiefly, we apprehend, because of the scarcity of mills for the manufacture of flour. The Cherokees, perhaps, grow more than any nation in the Territory. The average yield is about fifteen bushels per acre, and it has been known to yield as high as forty-two. But few farmers there, however, prepare the soil and seed it down with the care the crop demands. South of the Canadian, and on the Arkansas and Red Rivers and the uplands intervening, cotton was formerly extensively cultivated, and was the most valuable crop of that region. We hope yet to see it again whitening large and well tilled fields, and bringing in treasure and wealth to our brothers of the Choctaw and Chickasaw Nations—the Chickasaw crop this year being estimated at five thousand bales. Tobacco is extensively grown.

Of the grasses, we need say but a word. Our prairies furnish all that is now to be had, and all that seems to be cared for. Clover and timothy do well, and would even now repay their cultivation. Blue grass also succeeds well, and will be as much at home in some portions of the Territory as it is in Kentucky. Rye and oats do well all over the Territory, so far as your committee has been able to learn a species of the former being indigenous to the soil, and affording excellent winter pasturage.

Potatoes, beans, beets, pumpkins, upland rice, turnips, cabbage, onions, and nearly all garden vegetables in suitable soil and with seasonable culture, grow to perfection. In horticulture, with some exceptions, we are lamentably behind the times. So far as tested, no finer apples are grown in the United States than some we have seen from orchards in the Indian Territory north of the Canadian and Arkansas Rivers. Peaches, pears, plums and cherries succeed, while the smaller fruits, such as strawberries, raspberries, blackberries and grapes are to the "manor born."

Your committee would be much gratified to be the means of awakening a general interest upon this subject, and stirring up the people more generally to the cultivation of the more desirable kinds of fruits. There is pleasure in the pursuit, and health and profit in the results of horticulture.

As regards the domestic animals of the Territory, we need scarcely remark that stock raising must furnish occupation for a large number of our people. It is adapted to their habits and to our climate, and will be a source of the largest profit to those who embark in it. The number of domestic animals and the quality of their breeds have been sadly reduced and deteriorated by the war. Large and magnificent herds of cattle have entirely disappeared from our prairies, and the accumulation of forty years vanished into nothingness. But the grass still grows and the waters run, inviting and urging our people to untiring efforts to renew their herds of cattle, horses and hogs, and flocks of sheep and goats. Money, food and raiment stimulate them to start again in pastoral life, and to get the best improved breeds of all kinds of stock that may be within their means.

In conclusion, your committee begs leave to say, that as agriculture and its kindred branches—horticulture and stock raising

—should, and must, constitute the chief pursuits of the great majority of our people, every means in our power should be adopted to foster and encourage them. Even now they have every inducement to increased care and exertions in those directions. Markets are now brought to our very doors, or soon will be, by extension of railroads, the increase of travel through our Territory, and the teeming population that moves with resistless activity around our borders. Everything that we can produce beyond our own consumption is, and will continue to be, in demand.

The country which we possess, the homes we occupy, are our own and the heritage of our children, by every right known and respected of men. Let us diligently improve and use them, remembering our own responsibility in the premises, and the duty we owe to those who may come after us. Even the log cabin is more stable than the lodge set up with poles and covered with straw and buffalo hides. The people who have homes and cultivated fields and orchards, are more secure from intrusion and aggression than those who have no fixed residence or abiding place. Here is our only home, and in it we must thrive and increase or dwindle and perish. Either result is largely within our own control. As we choose to have it, so will it be.

## Argument Delivered February 1, 1872.

*Mr. Chairman and Gentlemen of the Committee:*

The Indians, who now own and occupy the Indian Territory, were, with but few exceptions, transplanted from east of the Mississippi river. In lands, wealth, population, progress, and civilization, they comprise the strength and hope of the race within the limits of the United States. It is proper, therefore, in fixing the policy which, if any settled and systematic course of action worthy of the name is to be followed toward them, to consider not only their condition and the guarantees under which they live, but the causes which lead to their removal from the homes of their birth by single persons, by families, and in whole communities, seldom of their own choice, but nearly always against their wishes and in obedience to the deceptions of a higher intelligence or the behests of resistless power. The origin of the policy may be found in the general desire of the States to be freed of the presence of Indians in their borders; but, in the case of the Cherokees and Creeks, more directly in the provisions of the "compact of 1802, between Georgia and the United States." That compact provided for an exchange of lands on the part of the Government to which it had no title, but which belonged solely to the Cherokee and Creek nations of Indians. They were not even a party to its terms, but became its helpless victims. Before that date (1802) the Cherokee Nation had made the treaty of Hopewell in the year 1785, under the Confederation, and the treaty of Holston, in 1791; the treaty of Philadelphia, in 1794; and the first treaty of Tellico, in 1798, under the present constitution. The treaty of Holston placed the Cherokees under the protection of the United States, paid them for the lands ceded, and defined the boundary between the two nations.

The fourth article concluded in these words: "The chiefs and warriors do hereby, for themselves and the whole Cherokee Nation, their heirs and descendants, for the consideration above mentioned, release, quit-claim, relinquish and cede all the lands" therein described. The seventh article is: "The United States solemnly guarantee to the Cherokee Nation all their lands not hereby ceded." I refer to these articles to establish two facts pertinent to the questions now before this committee. They show beyond dispute that the United States, at the beginning of their existence, recognized, in the broadest terms, the Cherokee Nation as a body politic, and as of ability to deal and be dealt with as one nation deals with another. And this status was judicially determined in their favor nearly half a century afterwards by the Supreme Court of the United States in the cases of the Cherokee nation and Worcester against the State of Georgia. And such is their status to-day. As early as 1794 letters patent to lands therein described were issued to the

Cherokee Nation by George Washington, who showed a regard for the rights of the Indians and a wish to ameliorate their condition worthy of his peerless reputation. The motives which inspired his conduct towards them I believe are cherished to-day, and will give President Grant not the least of his great claims upon the memory of the great future. The agitation growing out of the alleged necessity of placing the Indians beyond the Mississippi, took shape in the administration of Mr. Jefferson, reached its height in that of General Jackson, and was closed in that of Mr. Van Buren.

The States of Georgia, North Carolina, Alabama and Tennessee, whose boundaries included their country, kept up a clamor for their removal. The Indians, wedded to their native homes, were not less fixed in their purpose to remain. And thus was begun and waged a conflict which, remarkable in its character, will never be lost in history. It stirred the popular mind throughout the whole country. It gave rise to enactments unparalleled in State legislation, eloquence to debate in Congress, brilliancy to arguments at the bar, and fame to the humble but unyielding Cherokee, whose cause, triumphant before the wisdom and independence of your Supreme Court, failed only because of the uneven wager between feeble right and great executive power. Before, during, and after these transactions, forming their essence and life, were the pledges made to the Indians, if they would but agree to a removal—pledges of protection from war, trespass, and intrusion from every quarter; pledges of self-government, pledges of ownership of their lands by a fee simple title in letters patent issued under authority of Congress, and signed by the President of the United States. Those pledges exist to-day, and are as binding now upon all the Departments of the government and upon the people of the United States as when they were first made. Let us trace them briefly as recorded in documents preserved by yourselves and see what they are—what rights they secure to us, what duties of faith and honesty they impose upon you.

In 1809 deputies from the Cherokees, who had become somewhat divided upon the subject of removal, visited Mr. Jefferson. In addressing them, he assured those who should remain in their country east, of "our patronage, our aid, and our good neighborhood;" to those who removed, a country proportioned to the country which they left, and that "when established in their new settlements, we shall still consider them as our children and always hold them firmly by the hand." The division thus created was recognized by the treaty of 1817, and established by the supplemental treaty of 1819. Before quoting the provisions of these treaties and those subsequently made, I ask your attention to the following extracts from the documents named, as showing conclusively the views entertained and officially expressed at that time upon the Indian policy of the government. In his message to Congress, in 1825, Mr. Monroe advised the acquisition of "a sufficient tract of country west of the State of Missouri and the Territory of Arkansas, in order to establish permanent settlements of the tribes which were proposed to be removed." President Jackson, in his message of December, 1829, in urging the removal of the tribes now represented before you and others, said: "As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district, west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes."

The act of Congress of May 28th, 1830, setting apart the Indian Territory, and authorizing an exchange of lands with tribes to be removed into it from the States and Territories, provides that "in the making of any such exchange or exchanges it shall be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, their heirs or successors, the country so exchanged with them, and if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same; provided, always, that such lands shall revert to the United States if the Indians become extinct or abandon the same."

President Van Buren, in his message of 1838, says upon this subject: "That a mixed occupancy of the same territory by the white and red man is incompatible with the safety and happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore, to overcome the barriers interposed by nature, have only been destructive, both physically and morally, to the Indian; dangerous conflicts of authority between the Federal and State governments, and detrimental to the individual prosperity of the citizen, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of President Jefferson, consists in an extinction, for a fair consideration, of the title of all the lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi, much more extensive and better adapted to their condition than that upon which they then resided; the guaranty to them by the United States of their exclusive possession of that country forever, exempt from all intrusion by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization."

The treaty of 1817, before referred to, secured to the Cherokees land west of the Mississippi river, acre for acre, as was ceded east of it; and continued in full force the provisions of treaties before made. In it we have the foundation of the Cherokee title to lands in the west—not an "Indian title," so-called, but a title based upon cession and exchange, by treaty between competent parties: the United States and the Cherokee Nation. The treaty of 1819 confirmed the cession and exchange of lands already made, and perfected the separation of the Cherokee people into two nations—a separation which was closed by their re-union under the operation of the treaties of 1835 and 1846.

The preamble of the treaty of 1828 with the Western Cherokee Nation recites, "the anxious desire of the government of the United States to secure to the Cherokee Nation of Indians" a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction, of a State or Territory, nor be pressed upon by the extension in any way of any of the limits of any existing State or Territory." Its second article reads: "The United States agree to possess the Cherokees and to guarantee it to them forever, and that guarantee is hereby solemnly pledged of seven millions of acres of land," besides the country known and styled the "Cherokee Outlet."

The treaty of 1833 was supplemental to that of 1828, modified in part its boundaries, and provided that letters patent should be issued by the United States, as soon as practicable, for the lands hereby guaranteed. And this is the country owned and occupied now by the Cherokee people, except as affected by the treaty of 1866. It is also important as annulling the sixth article of the treaty of 1828, which had reference to two questions now pressed upon the Cherokees—the survey and allotment of their lands, and "a plain set of laws suited to their condition," to be given them by the United States.

The treaty of New Echota, in 1835, repeats the language of the treaty of 1833 in confirming the cession of lands made to the Cherokee Nation. Its third article stipulates that "the United States also agree that the lands ceded by the treaty of February 14, 1833, including the outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830."

By the fourth article of the same treaty "the United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory; but they shall secure to the Cherokee Nation the right by their National Councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their own people, or such persons as have connected themselves with them," not inconsistent with the Constitution of the United States and the acts of Congress regulating trade and intercourse with the Indian tribes.

The first article of the treaty of 1846 declares: "That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit, and a patent shall be issued for the same, including the eight hundred thousand acres purchased, together with the outlet west, promised by the United States in conformity with the provisions relating thereto, contained in the third article of the treaty of 1835, and in the third section of the act of Congress approved May 28, 1830, which authorizes the President of the United States, in making exchanges of land with the Indian tribes, to 'assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and, if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always,* That such lands shall revert to the United States if the Indians become extinct or abandon the same,'" neither of which contingencies has yet happened.

We have thus followed the history of the Cherokee Nation from the days of the Confederation down their checkered career to the last, but one, of their treaties of a general character. The light reflected from them has shown steadily two facts material to the questions now discussed—the ownership of their lands and the right of self-government. The year 1860 closed upon them a people prosperous, progressive, highly hopeful of the future, and the undisputed owners of more than fourteen millions of acres of land. Although divided and unsettled at times, they were always progressive. Their number multiplied, wealth increased, education spread, law reigned, and religion diffused her influence over their land.

The year 1865 found the scene changed. War, pestilence and famine had ravaged the land, swallowing its resources and destroying the lives of thousands of the people. The conflict through which they had passed stood without a parallel in their experience in war, as did the political struggle which ended in the negotiations of 1866, and concluded the twentieth treaty between the United States and the Cherokee Nation. The commissioners who entered into it, the Senators who ratified it and the President who proclaimed it are alive to-day. Some of its provisions the Cherokees regard as unjust, ungenerous and oppressive; but their existence as a nation, and the tenure by which they own and hold the lands reserved to them, stand unimpaired. By its 26th article "the United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands, or reside in their country." By its 27th article it is provided: "And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same except as herein otherwise provided." By the 31st article "All provisions of treaties heretofore ratified and in force and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force."

The course pursued toward the Cherokees was extended to the Creek and Choctaw Nations. Their representatives are now before you. I plead their cause with my own. Our neighbors east of the Mississippi, they are our friends and neighbors to-day. Distinct in language, laws and customs, their history has been similar. They, too, owned valuable tracts of land in Georgia, Alabama, Mississippi and Louisiana. They, too, established early relations with the government, and were recognized as distinct political communities, capable of declaring war and making peace; of entering into treaties; of governing themselves; of holding, ceding and exchanging lands, and defining boundaries. The policy which forced the Cherokees to remove first, tore them from the land of their birth and placed them where they now are from the same considerations, through the same appliances, and under the same guarantees. Their constitutions, their governments, their churches, their dress, their homes, are modeled after our own. They look with eager emotions upon every measure that will disturb their rights. Our cause, our fears, our hopes, our future, are one. As one we speak to-day.

By the treaty of 1830 the Choctaw Nation ceded the entire country owned by them east of the Mississippi, and agreed to remove from it, the United States to "cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi river in fee simple to them and their descendants, to innure to them while they shall exist as a nation and live on it." It was also stipulated that "the government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants; that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from and against all laws, except such as from time to time may be enacted in their own national councils, not inconsistent with the Constitution, treaties, and laws of the United States, and except such as may and which have been enacted by Congress to the extent that Congress, under the Constitution, is required to exercise a legislation over Indian affairs."

The treaty with the Choctaw and Chickasaw Nations in 1855 stipulates "so far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits; * * * and all persons not being citizens or members of either the Choctaw or Chickasaw tribe, found within their limits, shall be considered intruders, and removed from and kept out of the same."

And by the 10th article of the treaty with the Choctaws and Chickasaws, ratified on the 10th day of July, 1866, "the United States re-affirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent" with the treaty, as also by article 45, "all the rights, privileges, and immunities theretofore possessed by said nations, or individuals thereof, or to which they were entitled under the treaties, and legislation theretofore made and had in connection with them, were declared to be in full force, so far as they were consistent with the provisions of that treaty."

To the Creeks and Seminoles not less explicit are the guarantees. In 1790 the first treaty was made with the Creek Nation. It recognized their national existence, established peace, solemnly guaranteed their lands, and placed any citizen of the United States, who should attempt to settle on any of them, beyond the protection of the United States. Passing over numerous treaties, we find the third article of that of 1833 in these words:

"The United States will grant a patent, in fee simple, to the Creek Nation of Indians for the lands assigned the said Nation by this treaty or convention whenever the same shall have been ratified by the President and Senate of the United States, and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long as they shall exist as a nation and continue to occupy the country thereby assigned them."

The country thus guaranteed was for both Creeks and Seminoles, and a part of which they now occupy. Letters patent were issued to the Creek Nation for their lands August 11, 1852, and are now on record in the Indian Office.

The third article of the treaty of 1856, with the Creeks and Seminoles, provides that "the United States do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within, or annexed to, any Territory or State, nor shall either, or any part of either, over be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same."

The 15th article of the same treaty secures to the Creeks and Seminoles "the unrestricted right of self-government," so far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes. It also gives them "full jurisdiction over persons and property within their respective limits, excepting only white persons and their property who are not, by adoption or otherwise, members of either the Creek or Seminole tribe; and all persons, not being members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States Agents for said tribes respectively, assisted, if necessary, by the military," with but few specified exceptions.

By the 1st article of the treaty of 1866 the United States guarantee to the Creek Nation "the quiet possession of their country." By the 3d article "the eastern half of said Creek lands being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation." By the 12th article "the United States reaffirms and reassumes all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July 10, 1861, not inconsistent herewith." By the 10th article the United States are prohibited from any legislation "that shall, in any manner, interfere with or annul their present tribal organization, rights, laws, privileges and customs."

And thus stand the United States and the Cherokee, Creek, Choctaw and Chickasaw Nations. Weak and humble as may be the latter, clearly defined is the relation they sustain to the former. Not the less sacred and imperative on this account are the obligations voluntarily assumed toward them by your Government. For there has not been a time within the last half century, that the United States could not have snapped asunder their respective relations and brushed from her presence these her wards as readily as a buffalo switches a fly from his sides. But so it has not been. Inspired by motives of humanity and a regard for obligations assumed in the early days of the Republic she has steadily increased her accountability by oft-renewed pledges of her faith. These exist to-day, sacred as language can make them, and are the sole hope of the weak and oft-despised people to whom they were given. You will not ignore them; they dare not. Nor can you in conscience and decency legislate them away. That would be the wantonness of Hercules strangling an infant.

So much upon the general question, and now I propose to refer briefly to the provisions of House bill No. 561, Forty-second Congress, second session, entitled, "A bill to organize the Territory of Oklahoma and consolidate certain Indian tribes under territorial government."

*This bill is not asked for.* The people to be most affected by its passage, or that of any similar measure, have not asked for it. They do not want it. The entire population of the Territory are opposed to it, and have not failed, through their only authorized delegations and through their national and general councils, to protest against it time and again. Worn and harassed by the agitations kept up here and around them, they long for quiet and security in peace. This bill will give them neither, nor any assurance of protection from insult, indignity and outrage. If existing treaty obligations are worthless, what more strength and sanctity will belong to your statutes? If the highest judicial tribunals undermine the foundation of treaties, which the Indians have regarded as the "supreme law of the land," what can they hope from those established in their midst?

alien to them in sentiment and altogether irresponsible?

It is not necessary. Trade and intercourse do not require it. The restrictions upon trade are imposed and regulated by your own laws, adjudicated by your own courts, enforced by your own officers. They are prudential in character and are in keeping with your policy. Travel and intercourse are free, continuous and safe through our Territory. Even their laws in regard to the transit of stock to the North, from Texas, about which such noise is made, are only moderately self-protective. Unlike those of Kansas and Missouri, they are not prohibitory upon us, as well as upon their own flesh and color, and enforced by the violence of mobs who shoot down cattle, stampede herds, and imperil the lives of drovers. The great thoroughfares are thronged yearly by thousands of emigrants and travelers, while your railroads run your trains daily to the heart of our country bearing your mails, your merchandise and your people, without interruption. The wants of your population do not demand it. Despite its rapid increase from natural causes, and the immigration induced by your free government and stimulated by private associations and State legislation, large and fertile portions of your own lands are lying in waste for the want of settlers, or in the iron grasp of great corporations. If the idea of allowing an Indian only one hundred and sixty acres of land already his own is founded in right, why confine it to him? Why not apply it also to the white man? Is it because of the ease and safety with which an enlarged liberality may be indulged at the expense of the feeble?

It is unauthorized. No existing treaty gives to it the color of its sanction. The general council, authorized by the treaties of 1866, differs in essential features, and was designed to confederate the nations and tribes of the Indian Territory for purely inter-tribal purposes. Its powers are specifically named, and its limitations clearly expressed. It concerns their general relations and intercourse, but secures to them severally their respective lands, moneys, institutions and individuality. It does not consolidate them into one people; neither does the constitution framed by it at Okmulgee sanction or invite any such condition. That sprung from the seeming emergency of the situation, and contemplated a simple confederation of those who might adopt it upon certain general principles—a purely Indian government, which should be confined to themselves, without interfering with the officers, laws or jurisdiction of the United States. It seemed to present, if left without modification, a safe and easy method of uniting them for the purposes expressed—of bringing them into more intimate relations, with their own consent; of gradually accustoming them to the principles of government; of securing harmony among them, and of preparing them for the exercise of the privileges of enlightened communities, without subjecting them to a rule, at the outset, of those who owed them no responsibility, and might be inspired by no sentiment of feeling or interest in common with them. It proposed no Territorial Government, as such. It signified no desire for one, but was a solemn protest against it, and proclaimed their purpose to maintain the right of self-government to the extent expressed.

In view of their interests and their gradual development, I can but regret that movements in Congress looking to radical changes in its provisions have caused its failure.

It is unwise. It jumbles together the nations and tribes now in the Territory and those to be brought there, widely different in many respects, and homogenous in nothing but a common fate. Discordant in languages, laws, rights, customs, interests and aspirations; of diversified conditions of improvement, and embracing among them civilization, semi-civilization and barbarism, their unification is a work requiring time, means, wisdom and humanity. Do you doubt this? Then remember that there are more than twenty tribes or nations in the Territory, and that others are to be brought there, that but few of these speak the same language, and that each has its own land and its own laws or customs. Even those now before you in their own councils require interpreters for the transaction of business. How slow, how difficult, how delicate will be the work of the simplest legislation. How much more so that which will necessarily arise in initiating, maturing, adopting and executing the complicated machinery of government which will be right, just and expedient to all.

It is unjust. In its inception and general provisions it is in open violation and defiance of the stipulations of the treaties heretofore quoted, subversive of their privileges and destructive of their rights. It proposes to include the Indians within a territory, "without their consent," to place over them a Governor, a secretary and various other officers, in whose appointment they have no voice, and who will be wholly independent of them. It robs them, without adequate compensation, of even a large portion of the pitiful moiety of lands left to them of the millions once possessed. It parcels out the patrimony of their children among missionaries and mission stations, among white men and non-citizen freedmen, appropriates it to educational purposes that will innure to the almost exclusive benefit of the children of those who, unless all experience be a lie, will speedily drive them from their firesides and their farms; cunningly placed it in the grasp of individual speculators, and recklessly throws millions of acres into the maws of rapacious railroad corporations. In order to convince your minds that these objections are well taken, allow me to specify some of its provisions in detail. Section six conveys powers upon the legislature not enumerated in the twelfth article of the Cherokee treaty of 1866, the only one to be found in any of the treaties between the United States and the Cherokee Nation which can be construed as looking to even a limited government outside of their own separate organization, and that not under the control of Congress.

Section eleven gives a delegate to the House of Representatives, but who shall be a "resident of the United States." No citizen of the Territory is eligible, but everybody else is who possesses that single qualification.

The same section extends over the Territory all the laws of the United States not locally inaplicable and not inconsistent with treaty stipulations, carrying with it the legal presumption that even the wildest Indians of the plains knows what those laws are. With the judicial decision that a statute may repeal a prior treaty, and that the consequences flowing from it belong exclusively to the political department of the Government, what guarantee have the weak for anything except in the forbearance of Congress and the executive of the nation? Pass this bill to-day—to-morrow nothing may be "inapplicable" or "inconsistent." The next day you may extend your entire system of jurisprudence and establish your courts, thus equipped, anywhere upon the plains, even in

> "A lodge in some vast wilderness,
> Some boundless contiguity of space,"

and there proceed to expound the Constitution and to enforce your revenue or maritime laws to appreciative parties of nomads who have halted their frothing steeds from chasing the buffalo, unstrung their bows, returned the deadly arrow to its quiver, and appeared in that costume of the plains which is so much esteemed, because, when least, the person is most adorned! What an absurd picture for me to draw, but it flows legitimately from the proposition I have to consider. Section 14 creates a land office. Section 15, in violation of the 20th article of the treaty of 1860, directs a survey of their lands. Sections 16 and 17 apportion them out, graciously limiting the quantity which each Indian may keep of that which is already his own; while the proviso to the twenty-first section of the bill artfully enables the more intelligent, more active, and greedier members of the nation, whether red, white or black, to monopolize untold acres at the expense of every man, woman and child of the nation, who are the common inheritors, the common owners of a common domain, for it allows them to take up an indefinite number of quarter sections, not at their real value, but at the minimum price of $1.25 per acre, simply because they have made it their business to "scatter claims" over the choicest portions of the country. But even more flagrant than this, than all these, is the provision of the seventeenth section, which prohibits me, for myself, my wife, my child, or my orphan ward, whose father may have given up his life on the battle-field to maintain the flag that now flies over the top of your Capitol, to select any "land included in any grant of public lands heretofore made by act of Congress, in aid of the construction of railways, the lines of which traverse said territory, and a plat of whose route shall have been filed in the office of the Commissioner of the General Land Office, prior to notice by the Register, as hereinafter prescribed, of the survey of the lands affected thereby." That means the entire absorption of the Indian Territory by an indefinite number of railroads, but particularly by the Missouri, Kansas and Texas, running from north to south, with its contingent grant of every alternate section for ten miles on either side of the track across the whole country, and of the Atlantic and Pacific, running east and west, with its branch, has each a like grant of every alternate section for twenty miles on each side of either. Not less than eight millions of acres of land in the Territory, under the operations of this bill, will accrue to the roads named.

It is mischievous. It tends not to peace, but difficulties of the most serious character, and which, now before it is too late, should receive your earnest consideration. Evil, and only evil, will flow from it. More than sixty thousand people are to be its unwilling and unoffending victims. Can any man be so insane as to suppose for a moment that such a measure as this, so sudden, so sweeping, and so radical in the changes it proposes can be carried into effect without great suffering to them? Remember that it will take from them, disguise it as you may, those rights of self-government which they have always enjoyed, and those homes which are dear to them as life. That it will strike down all their institutions, change all their relations, confuse their schools and churches, and demoralize whole communities. That it will flood their country with whiskey and dissipation, and overrun them with a population from all quarters, whose conduct will soon beget cheating, over-reaching, oppression, abuse, violence, bloodshed and murder. And these for them without remedy of law, without the means of escape, without hope of relief. It will be the conversion of that now quiet country into a border hell—and neither you nor I can foresee the end. In all kindness I entreat you to pause before you try such an experiment under the circumstances which surround this case, violative as it is of the oft-renewed faith of your Government, repugnant to the wishes of the Indians, and in consonance only with the fell purposes of their enemies. Need you wonder that they fear the enactment of such a measure?

This they do, not because they are opposed to progress. Are they not improving? Not because they are opposed to education! Are not common schools taught in the English language in almost every neighborhood in the Territory, the Cherokees having sixty in operation? Not because they are nomadic hunters and fishermen. Do they not live in houses built by themselves, and till the soil with their own hands? Not because they are impatient of law. Have they not a government modified after your own, and which gives protection to life, person and property quite as effectually as are to be found in more than one-half of the States of this Union? Not from stubbornness. Have they not yielded and yielded, and kept yielding to ceaseless demands? Not from prejudice. Do not red, white and black citizens all enjoy in harmony equal rights before the law? Not from poverty. Have they not millions invested in your bonds? No! From none of these causes springs their demand for the enjoyment of their rights. It is born of the spirit of their existence, their love of life, their dread of destruction. Do you wonder it is so? Rather do you not believe that it should be thus? How many Indians to-day rest their weary feet upon the soil east of the Mississippi? Where are the thousands who lived in California alone when the thirst for gold deluged that State with a white population. Where is there a reservation of land owned by them too small to excite cupidity? Where is there a tribe or nation that reposes in conscious security? Tell me not that such is fate. God may telerate this state of things as thousands of iniquities are permitted, but so surely as truth and justice are his attributes so surely does he, sooner or later, avenge the weak and punish the guilty.

In concluding these humble remarks, allow me to say that I have no maudlin sentiments to indulge. Profound gratitude for all that your civilization is doing for the Indian in that Territory, and the highest admiration for your own and other nations of the world, have never allowed me to forget the one nor depreciate the other. Nor yet would I speak in any other terms than those of respect and manly regard for my own country and race. Whatever is cruel in their acts, I abhor; whatever is degraded, I pity; whatever is virtuous, I esteem; whatever is heroic, I admire. Neither mercy and truth, nor cruelty and perfidy are the exclusive endowments of any race or color. I am aware that the "problem" of their management and destiny appears difficult, but I conscientiously believe that truth and justice, as between man and man, will furnish its solution. To enforce these will cost you nothing but the effort, to withhold them now will be to them irretrievable ruin. Not less clearly than the pen and the press, have the pencil and the chisel perpetuated some of the salient points of their history in the panels and reliefs of this Capitol. First is the welcome to the Puritans; next, the maiden shielding with her body the head of the cavalier; next, the broad-brimmed Quaker grasping the hand of friendship; last the perforated body, lifeless beneath the foot of the pioneer. There will yet be one other. Shall it be emblematical of the preservation and elevation, or shall it mark, in some moment of wild despair, the death of the race?

## Argument Delivered March 5th, 1872.

*Mr. Chairman and Gentlemen of the Committee:*

In the case of Fletcher *vs.* Peck, 2 Curtis, page 334, the opinion of the Supreme court was delivered by Chief Justice Marshall. In it he said: "For a party to pronounce its own deed invalid, whatever cause may be assigned for its invalidity, must be considered as a mere act of power, which must find its vindication in a train of reasoning not often heard in courts of justice." Believing the sentiment thus judicially enunciated to be true in morals as it is sound in law, I propose to make it the basis for such remarks and quotations as may seem to be proper to establish two facts:

First. That the Cherokee Nation is a body politic.

Second. That the Cherokee Nation owns the lands within her limits.

In the humble argument which I had the honor to make before this honerable committee the 1st of February past, these two propositions were fully sustained by quotations from, first, successive treaties concluded between the United States and the Cherokee Nation, from that of Holston, in the year 1791, to that of Washington in the year 1866. Second, from the legislation of Congress and the messages of the Presidents of the United States; and third, from the contemporaneous history of the country. But in order that no ground of reasonable doubt may be left in regard to them, I shall now attempt to fortify them fully by reference to the decisions of the courts of the United States and the opinions of others high in official positions. Before doing this I need not remind this committee that all the treaties, all the legislation, all the court deliverances and all the history of the country in connection with the affairs of the Cherokee Nation, are found in the language, the acts, the adjudications, and the records of only one of the parties in interest. So far, therefore, as they impose obligations upon that party—the United States—they must be rigidly construed, while a more liberal construction must be applied to the other—the Cherokee Nation. This rule has been laid down explicitly by the Supreme Court itself, and is in consonance with both justice and well established principles of interpretation.

Is the Cherokee Nation a political community? Has she a political existence, although a qualified one, that enables her to deal and be dealt with as a body politic. In the case of Worcester *vs.* The State of Georgia, 6 Peters, page 515, the Supreme Court declared that "the Indian tribes are distinct, independent political communities." The very term "Nation," so generally applied to them, means a people distinct from others. The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our language, selected in our diplomatic and legislative proceedings by ourselves, having as such a definite and well understood meaning. We have applied them to Indians as we have applied them to all other nations of the earth. They are applied to all in the same sense. No argument can be drawn against the sovereignty of these Indian nations, from the fact of their having put themselves and their lands under the protection of the British Crown. In the treaties made with them, we have the forms and requisites peculiar to the intercourse between friendly and independent States, and they are conformable to the received institutes of the law of nations. What more demonstrative proof can we require of existing and acknowledged sovereignty?

In the case of the Cherokee Nation *vs.* The State of Georgia, 5 Peters, 1, Chief Justice Marshall says: "Is the Cherokee Nation a foreign state in the sense in which that term is used in the Constitution? The counsel for the plaintiff have maintained the affirmative of the proposition with great earnestness and ability. So much of the argument as was intended to prove the character of the Cherokees as a State, as a distinct political society, separated from others, capable of managing its own affairs and governing itself, has, in the opinion of a majority of the judges, been completely successful. * * The acts of the Government plainly recognize the Cherokee Nation as a State, and the courts are bound by those acts." The Court held that the Cherokee Nation was not a foreign nation, but a domestic, dependent nation, and could not, therefore, sue in the courts of the United States. But Mr. Justice Thompson and Mr. Justice Story held otherwise.

But not only have the rulings of the courts of the country upon this point been in unison with its legislation, but even so late as December 14, 1870, the same principle has been sustained by the Judiciary Committee of the Senate. The questions upon which that committee of eminent jurists and statesmen reported, grew out of the effect of the fourteenth amendment to the Constitution of the United States upon the citizenship of the Indians and upon the continued existence of their treaties under it. That report was full, exhaustive, and unanswerable, and concluded in these words, to-wit:

"From a perusal of these statutes it is manifest that Congress has never regarded the Indian tribes as subject to the municipal jurisdiction of the United States. On the contrary, they have uniformly been treated as nations, and in that character held responsible for the crimes and outrages committed by their members, even outside of their territorial limits. And inasmuch as the Constitution treats Indian tribes as belonging to the rank of nations capable of making treaties, it is evident that an act of Congress which should assume to treat the members of a tribe as subject to the municipal jurisdiction of the United States would be unconstitutional and void.

"In the opinion of your committee, the Constitution and the treaties, acts of Congress, and judicial decisions above referred to, all speak the same language upon this subject, and all point to the conclusion that the Indians, in tribal condition, have never been subject to the jurisdiction of the United States, in the sense in which the term jurisdiction is employed in the fourteenth amendment to the Constitution. The government has asserted a political supremacy over the Indians, and the treaties and laws quoted from present these tribes as "domestic, dependent nations," separated from the States of the Union, within whose limits they are located, and exempt from the operation of State laws, and not otherwise subject to the control of the United States than is consistent with their character as separate political communities or States. Their right of self-government, and to administer justice among themselves, after their rude fashion, even to the extent of inflicting the death penalty, has never been questioned; and while the United States have provided by law for the punishment of crimes committed by Indians upon white men lawfully within the reservations, the government has carefully abstained from attempting to regulate their domestic affairs, and from punishing crimes committed by one Indian against another in the Indian country. Volumes of treaties, acts of Congress almost without number, the solemn adjudications of the highest judicial tribunal of the Republic, and the universal opinion of our statesmen and people, have united to exempt the Indian, being a member of a tribe recognized by, and having treaty relations with, the United States, from the operation of our laws and the jurisdiction of our courts. Whenever we have dealt with them it has been in the collective capacity as a State, and not with their individual members, except when such members were separated from the tribe to which they belonged; and then we have asserted such jurisdiction as every nation exercises over the subjects of another independent sovereign nation entering its territory and violating its laws.

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"For these reasons your committe does not hesitate to say that the Indian tribes within the limits of the United States, and the individuals, members of such tribes, while they adhere to and form a part of the tribes to which they belong, are not, within the meaning of the fourteenth amendment, "subject to the jurisdiction" of the United States; and, therefore, that such Indians have not become citizens of the United States by virtue of that amendment; and if your committee is correct in this conclusion, it follows that the treaties heretofore made between the United States and the Indian tribes are not annulled by that amendment.

"To maintain that the United States intended, by a change of its fundamental law, which was not ratified by these tribes, and to which they were neither requested nor permitted to assent, to annul treaties then existing between the United States as one party, and the Indian tribes as the other party, respectively, would be to charge upon the United States repudiation of national obligations—repudiation doubly infamous from the fact that the parties whose claims were thus annulled are too weak to enforce their just rights, and were enjoying the voluntarily assumed guardianship and protection of this government."

In the second place: Does the Cherokee Nation own the lands within her limits? No argument that I can offer will more fully demonstrate the affirmative of this question than a simple statement of the character of her title. But I venture to express my humble conviction that if the title of the Cherokee Nation to her lands is not valid, there is no title deserving to be so considered. Of course I do not presume to enter into the discussion of titles based upon the alleged right of discovery, and which, so far as the Indians can be affected by it, is simply the power to claim, to take and to hold. If the Cherokees, however, had no other than that of the "Indian title," so called, there has been no bill referred to this committee for the establishment of the so-called territory of Oklahoma, that is not upon the subject of the lands in the Indian Territory, in violation of law, justice and the deliverances of the supreme court. In the case of Worcester vs. the State of Georgia, in referring to the title resulting from "discovery," Chief Justice Marshall said that "it regulated the right given by discovery among the uropean discoverers, but could not affect the right of those already in possession, either as aboriginal occupants or as occupants by virtue of a discovery made before the memory of man. The United States succeeded to all the claims of Great Britain, both territorial and political; but no attempt, so far as is known, has been made to enlarge them." In the case of Mitchell vs. United States, 9 Peters, 713, "the Indian title was not merely one of possession—that of alienation was concomitant, subject only to the confirmation of the government." In the case of Meigs et al. vs. McClung's lessees, 9 Cranch, p. 18, in speaking of the Cherokee treaty of 1805, upon which the case rested, and the words used in it, it was declared that "the treaty is the *contract* of both parties, each having land. The words are the words of both parties." In that of Gaines vs. Nicholson, 9 H., p. 356, it was held that "where specific lands are reserved for the use of an Indian tribe by treaty, its effect is to confirm the original Indian title, which will prevail against any other derived from the government." And in that of Kendall vs. United States, N. & H., 261, it is declared that "a treaty being the paramount law, it is the *duty* of congress to comply with its terms."

But the Cherokee Nation bases its right to its lands—specific lands, reserved by treaty for their use and that of their posterity—upon no title of occupancy, upon no mere Indian title of possession, but upon a patent authorized by law, pledged by treaties, duly executed by the president of the United States, signed, sealed, delivered, and now held by her. Admitting, in its broadest sense, that the eminent or ultimate domain to all lands within her territorial boundaries lies in the United States, no argument can be drawn from it prejudicial to the Cherokee title, or that will authorize the legislation proposed by these territorial measures.

The "Indian title" to the land owned by the Cherokee

Nation, was extinguished by the United States before the Cherokees were removed from the east to the west of the Mississippi river, and the United States conveyed their own title to the Cherokee Nation, and not the title they acquired from the Indians, of whom they purchased. The authority under which this was done is to be found in the law of May 28, 1830, which authorized an exchange of lands with the Indians residing in any state or territory, and their removal west of Arkansas and Missouri. That act provides that "in the making of any such exchange or exchanges, it shall be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will *forever* secure and guarantee to them, their heirs or successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent or grant to be made and executed for the same; Provided, *always*, That such lands shall *revert* to the United States if the Indians become extinct or abandon the same."

The lands patented to the Cherokee Nation in 1838 were described and guaranteed by the treaties of 1828, 1833 and 1835, and reaffirmed by those of 1846 and 1866, although their boundaries were modified by the mutual agreement of the parties under the treaty last mentioned. Congress authorized the President to issue the patent, by virtue of the power vested in congress, article 4, section 3, of the constitution, which provides that "the congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." The granting clause of the patent is in these words: "Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation, the two tracts of land so surveyed, and hereinbefore described, containing in the whole 13,374,135.14 acres, to have and to hold the same, together with all the rights, privileges and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the western prairie, referred to in the second article of the treaty of the twenty-eighth of December, one thousand, eight hundred and thirty-five, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the conditions provided by the act of congress of the twenty-eighth of May, one thousand, eight hundred and thirty, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

The rights reserved by the United States referred to the establishment of agencies, military stations and post-roads. By the second article of the treaty of 1835, the United States agreed to convey to the Cherokees, by *patent in fee simple*, the 8,000 acres of land in Kansas, and for which the Cherokee Nation paid $500,000, and this tract and the other lands were to be embraced in one patent. There can be no question as to the understanding of the parties, and it was not then even supposed by the Indians that they were not obtaining a clear and indefeasible title, and one that should never be embarrassed by the "compacts" of the government with a state of the Union, much less with railroad corporations for its extinguishment..

But it may be said that the condition appended to the title affects the title it conveys. In regard to that point, two remarks suggest themselves: First, that even if this be true the title remains perfect until "the Cherokees become extinct or abandon the land"; second, that the condition was designed merely to prevent the alienation of the lands to any other party than the United States without their consent, the United States only retaining a reversionary interest.

That reversion is no more than the ordinary right of *escheat*, by which, when an individual dies without heirs, or will, his lands *escheat* to the government, and does not in the least affect the title or prevent it being a *fee simple*.

Conditions are imposed in grants to railroad companies, but no one doubts the validity of title acquired by them or from them, and they are as much an estoppel to the resumption of authority or ownership over them by the United States, as they are a bar to the encroachment of other parties, so long as they continue to be complied with or remain unimpaired. The character of title conveyed by patent has been determined by the supreme court in the case of Hooper vs. Scheimer, 13 Peters, 436, where it declares that "a patent carries the fee and is the best title known to a court of law," and in that of Mann vs. Miller, 23 H, 458, that "the description in the patent is conclusive evidence of what land passes by it." Again it has been settled that "a grant may be made by statute, and a confirmation by law is to all intents and purposes a grant."

The jurisdiction of the United States over the Cherokee Nation is a qualified one. It does not destroy her existence as a body politic in the rightful exercise of those attributes and franchises which have not been surrendered, but which have been guaranteed to her by treaties with the United States. The title to her lands is a title of which she cannot be divested legally, even by the legislation of congress, without her consent. The opinions of the supreme court, which have been referred to as subversive of these positions, affect simply political questions. There has been no case determined by the supreme court involving directly the validity of the title which the Cherokee Nation now holds to her lands, and until its validity shall have been thus denied, its completeness as derived from the acts of congress and from treaties made in pursuance of the provisions of the constitution, cannot be controverted. But there has been a case decided by the United States circuit court for Kansas which bears directly upon this question of title. From the newspapers the following report of the case is taken, Justice Miller of the United States supreme court delivering the opinion of the court:

"The United States circuit court at Topeka, Kansas, the 27th day of April, 1870, in an action of ejectment brought by Mr. Joy against settlers on a part of the lands embraced in the patent of December, 1838, and sold to him by treaty with the Cherokee Nation, April, 1868, made a decision containing, among others, the following points:

"1. That the treaty of 1835 and patent office warrant of 1838 gave a fee simple title to the Cherokee Indians of the neutral land.

"That the treaty-making power had full authority to alienate the public domain, and titles so acquired were perfect and indefeasible.

"That to say the government would sell this land for nearly $1,000,000, pay the money to the Indians, and then say the purchaser had no title, would be to make the government a party to an enormous fraud.

A fraud which I hesitate not to say would be less enormous and less flagrant than you are asked to perpetrate when urged to invade the vested rights of your "wards" and to violate your voluntarily assumed obligations as their trustee, by seizing their lands and giving them to those who have not the shadow of a right or claim to them.

The Cherokee tobacco case itself places Indian treaties upon the same basis as treaties made with foreign powers. And according to the deliverances of the court the treaties with the Cherokee Nation are to-day the paramount law of the land. If, indeed, they possess no higher sanctity than that of a statute, in any of the duties they require or the obligations they impose upon the government, in her intercourse with them, and must rely solely upon the question of age for precedence and vigor, even then they remain unimpaired and have received afresh the breath of life and strength from the legislation of congress. The act of congress approved March 3, 1871, commonly known as the "Indian appropriation bill," contains these two important provisos: "*Provided*, That *hereafter* no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power, with whom the United States may contract by treaty; *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any Indian nation or tribe."

We have here, first, legislative authority to show that *prior* to the passage of that act the United States did "contract by treaty" with Indian nations and tribes, and second, a reaffirmation of the validity of all such "contracts" by treaty lawfully made and ratified with such Indian nations or tribes. The Cherokee, Creek, Choctaw, Chickasaw and Seminole nations are some of the "Indian nations" with which such "contracts" by treaty have been repeatedly and "lawfully made." You are now urged to invalidate and destroy those contracts. To do so would be "to pronounce your own deeds invalid, and whatever cause might be assigned for their invalidity must be considered a mere act of power which must find its vindication in a train of reasoning not often heard in courts of justice," or I may add, in the halls of legislation.

But to return to the bills now before you. I repeat my former declaration, "that no existing treaty gives to them the color of its sanction." Even the treaty with the Choctaw and Chickasaw Nations contemplates no such form of government as they provide, while its repugnancy to the provisions of the treaty of 1866 with the Cherokee Nation are so palpable that willfulness itself cannot reconcile them. The provisions of the Cherokee treaty, upon this subject, are to be found in its twelfth article, which is in the words following, to-wit:

"The Cherokees agree that a general council, consisting of delegates elected by each nation or tribe lawfully residing within the Indian Territory, may be annually convened in said territory; which council shall be organized in such manner and possess such powers as hereinafter described:

"First. After the ratification of this treaty, and as soon as may be deemed practicable by the secretary of the interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said territory, shall be taken under the direction of the commissioner of Indian affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the secretary of the interior and paid by the United States.

"Second. The first general council shall consist of one member from each tribe, and one additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes, respectively, who may assent to the establishment of such council, and if none should be thus formally selected by any nation or tribe so assenting, the said nation or tribe shall be represented in said general council by the chief or chiefs and head men of said tribes, to be taken in the order of their rank, as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare each tribe assenting to the establishment of such council, the number of members of such council to which they shall be entitled under the provisions of this article; and the persons entitled to represent said tribes shall meet at such time and place as he shall approve, but thereafter the time and place of the sessions of said council shall be determined by its action; *Provided*, That no session, in any one year, shall exceed the term of thirty days; *And provided*, That special sessions of said council may be called by the secretary of the interior whenever, in his judgment, the interest of said tribes shall require such special sessions.

"Third. Said general council shall have power to legislate upon matters pertaining to the intercourse and relations between the Indian tribes and nations and colonies of freedmen resident in said territory; the arrest and extradition of criminals and offenders escaping from one tribe to another, or into any community of freedmen; the administration of justice between members of different tribes of said territory, and persons other than Indians and members of said tribes or nations, and the common defense and safety of the nations of said territory. All laws enacted by said council shall take effect at such time as may therein be provided, unless suspended by direction of the president of the United States. No law shall be enacted inconsistent with the constitution of the United States, or laws of congress, or existing treaty stipulations with the United States. Nor shall said council legislate upon matters other than those above indicated; *Provided, however*, That the legislative power of such general council may be enlarged by the consent of the national council of each nation or tribe assenting to its establishment, with the approval of the president of the United States.

"Fourth. Said council shall be presided over by such person as may be designated by the secretary of the interior.

"Fifth. Authorizes the council to select a secretary, defines his duties and provides for his compensation by the United States.

"Sixth. Fixes the per diem and mileage of the members.

"Article 13. The Cherokees also agree that a court or courts may be established by the United States in said territory, with such jurisdiction and organized in such manner as may be prescribed by law; *Provided*, That the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country, in which members of the nation, by nativity or adoption, shall be the only parties, or where the course of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty."

These are the only provisions of any treaty with the Cherokees which relate to the powers of the general council and the authority of the government over its proceedings. The subjects upon which the council may legislate are specifically named and it is forbid to legislate upon any others until authorized to do so in the manner prescribed by the treaty. The individual rights of the nation to its funds, lands and local jurisdiction are expressly reserved to it, and there is no authority for the creation of a land office, or the appointment of a governor or secretary, much less the erection by congress over the Cherokee country of a territorial government of the United States. I need not occupy the time of this committee by showing the utter inconsistency of the provisions of the bill to create the "Territory of Oklahoma" with the provisions of the treaty of 1866, which I have just read. A simple comparison of the powers conferred by that treaty upon the general council with those conferred upon the legislative body by the bills will satisfy any fair mind of their antagonism. The treaty looks to the preservation of the nation—the bill to its overthrow. So far as the Okmulgee constitution has been brought into this discussion, in addition to what I have said upon its character and object, I desire only to quote section 13 of article 3 to show how it would be supported:

"Whenever the general assembly shall deem it necessary to provide means to support the government of the Indian Territory, it shall have power to do so, but no revenue shall be raised not actually necessary and in accordance with law, uniform in its operations throughout the territory."

But I desire to dwell with emphasis upon the provisions of these bills upon the subject of the lands of the Cherokees and other Indians to be affetted by them. They are the coveted prize in the struggle now going on between the friends and the opponents of these measures. Strip them of that single feature and they will at once lose their importance. Propose a territorial form of government for the Indian Territory that shall omit all reference to the lands of the Indians; that shall prohibit your general council or territorial legislature from chartering railroad companies; that shall ignore any contingent grants, claimed as heretofore made, and that shall impartially parcel them among their lawful owners, and I have no hesitation in saying that the political aspects of the case would at once wilt into insignificance. Believing such to be the state of this question, I will speak of it as candor and justice may require. I accept, neither for myself nor my people, any construction of law or treaty that carries with it, even by implication, an admission of the infamous sentiment that an Indian has no rights which are to be respected. Nor do I concede for a moment that the subject of legislation for the organization of the Indian Territory is a question of expediency alone, for congress to determine, and that our treaties are no estoppel in the consideration of the subject. When physically applied it is true; when legally and morally it is false.

The Cherokees have political rights and rights of soil, or they have none. If they have a right to one acre of their land they have a right to every acre of it ceded to them, and not by them alienated. If they have no title, but are mere occupants at will of the government, then upon what principles are the provisions of these bills to apportion them out among them based? Why allow 160 acres to each individual man, woman and child in the country instead of a less or greater quantity? No one will pretend that it is a mere christian's gift! No, it is based upon an idea, a conviction amounting to an acknowledgment, that they have a right to their homes, which rapacity dare not openly assail, and which this committee, this congress, the President, and the public sentiment of the American people will sustain and defend. But to the extent that they go upon that subject they are without precedent in the history of the country and appear to me untenable in every aspect that they may be viewed. If their title be merely one of possession, congress has always respected that until voluntarily relinquished for a consideration. If it be a better and a more sacred one, covered all over with the imperishable guarantees of your faith for a half century past, as I have endeavored to show you is the case, then truly does it possess a sanctity which even congress itself ought not to violate.

In order to show this honorable committee the exact condition of the landed interests of the Cherokee Nation and what will be the effect of these bills upon those interests, I beg leave to invite your attention to some further provisions of the treaty of 1866.

By the terms of the sixteenth article of the treaty of 1866, the Cherokees were forced to divide their country within the limits of the Indian Territory by the line of the ninety-sixth degree of longitude west from Greenwich. By it "the United States may settle friendly Indians in any part of the Cherokee country west of that line, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled, the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee simple to each of said tribes, to be held in common or by their members in severalty as the United States may decide; said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President, the Cherokee Nation to retain right of possession of and jurisdiction over all of said country west of the ninety-sixth degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied." To all intents and purposes that land, embracing not less than 8,000,000 of acres, is beyond the right of settlement by citizens of the Cherokee Nation, for there are no foot prints backward in the direction of a country from which the Indians have once, even by implication, taken their departure. For this country the Cherokees have not yet obtained any compensation, but it is not true that the present delegation are willing to take for the tract $3,000,000. They have fixed no price nor expressed any sentiment upon the subject at variance with the provisions of the treaty just quoted.

But there are now upon it something like 4,000 Osages, and will be, perhaps, soon about 600 Kaws. By treaties made between the United States and the Comanches, Kioways, Arapahoes and Cheyennes, more than one-half of it was set apart for the use of these Indians.

But does the bill No. 561, or any other now before you, propose to "insure the Cherokees $1.25 per acre," or $12,000,000 for their country west of the ninety-sixth meridian? It does not. It proposes to insure nothing to them for this or any portion of their country, besides the selections which it authorizes shall be made, but a grant of indefinite acres to railroads and for other purposes, without any consideration whatever, except that which may possibly result from the following provisions of the twenty-first section of the bill:

"That the residue of said lands, which shall have been offered for selection and not selected as herein authorized, shall be deemed public lands of the United States, and shall be disposed of by the government of the United States, and the proceeds held in trust for the benefit of said Indian tribes or nations to which they had been severally reserved. Said lands shall be sold as other public lands at a price not less than $1.25 per acre, and whenever alternate sections have been granted in aid of railroads or other works of internal improvement, the remaining sections shall bear a minimum price of $2.50 per acre."

The expenses incidental to such sales, are to be deducted from the proceeds of the same. The minimum prices are fixed, but the receipts for investments would depend entirely upon the quality of the lands and the demand for them, and the whole transaction would rest upon dim uncertainty.

The country east of the ninety-sixth meridian is reserved to the Cherokee Nation, but upon it stipulations were made for the settlement of friendly civilized Indians. Accordingly, the Cherokee Nation has incorporated, in round numbers, 900 Delawares and 700 Shawnees. Besides these there yet remain in the states east of the Mississippi river, chiefly in North Carolina, about 2,000 Cherokees, who will yet come to us seeking home and shelter. These numbers will make the population of the Cherokee Nation not less than 18.000 souls, including about 400 whites and 1,500 freedmen, who have been adopted as citizens. The diminished reserve of the Cherokee Nation, I am informed, unofficially but reliably, is only 4,200,000 acres, and of which, I am safe in saying, consider-ably less than one-half would be considered fair tillable land, the remainder being stony and mountainous, covered with timber of but little immediate value or broken prairie too remote from timber and water to make it useful to the Indians for agricultural purposes. Two railroads have entered the Indian Territory. The Missouri, Kansas and Texas, entering the Cherokee Nation at Chetopa, Kansas, and leaving it near Choteau Station, runs through the Cherokee country something like eighty miles. The Atlantic and Pacific, entering the territory near Seneca, Missouri, and the Cherokee country at Grand river, has been completed a mile or so beyond its crossing with the other road, and will probably run for nearly the same distance through the Cherokee country. Under the treaty of 1866, these roads have only the right-of-way, but under their charters from congress they claim grants through the public lands of the United States which these bills, by destroying the nationality of the Cherokees, design to confirm, which will, perhaps, amount to something like 1,500,000 acres. I omit here all reference to the Arkansas branch of the last named road, to the Lawrence, Leavenworth and Galveston, and to the Missouri River, Fort Scott and Gulf roads, finished to the southern boundary of Kansas and upon the borders of the diminished Cherokee reserve, and to others which would spring full blown under the sixth section of the bill, which authorizes by legislation "the creation of bodies corporate with all adequate powers for the construction and operation of works of internal improvement, and the common defense and safety of the nations of said territory, and the granting of aid to all such bodies corporate." Also the grants of the school sections and those to freedmen, who are not now incorporated as Cherokess, and to missionaries and mission stations. Now let us see what the result will be under this bill:

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|---|---|
| **To the two roads named in alternate sections** | **1,500,000** |
| **To 18,000 Cherokees, at 160 acres per head** | **2,880,000** |
| **Total** | **4,380,000** |
| **Total number of acres in diminished reserve** | **4,200,000** |
| **Showing an excess under these two heads alone of acres over the contents of the entire diminished reserve.** | **180,000** |

And pray, sir, when the selections should come to be made under the provisions of this bill, who will be driven to the flint hills, the narrow gorges, and the bleak knobs of the plains? Will it be the railroad companies or the "claim" speculators within and without the country? By no means, for these are first provided for. But it will be the poor and the ignorant for whose "better protection" these measures are so humanely designed.

By the seventeenth section, "selections shall not be made upon any portion of the sixteenth and thirty-sixth sections, which are hereby reserved for school purposes; nor upon any land included in any grant of public lands heretofore made by act of congress, or by treaty authorized by act of congress, in aid of the construction of railways, the lines of which traverse said territory," etc.—a reservation in favor not only of the two roads now in the Cherokee Nation, but of the others on her borders, already named, and yet others in embryo. But not only are we to be excluded from making selections on these lands, which, under the operations of this bill, will be a gratuity to them without any compensation whatever, direct or indirect, excepting such as may be supposed to result from the presence of the roads themselves in the country, for there will be no alternate sections left to be enhanced to twice their estimated value, but from yet other indefinite quantities. For instance, we read in the twenty-first section of the bill these words: "*Provided*, That where any member of a tribe shall, at the time of the passage of this act, in accordance with the local laws and regulations of such tribe now in force, have placed improvements of a permanent character upon more than one quarter section within the reservation, said member shall have the prior right for the period of one year after said lands shall have been opened for sale, to purchase, at the minimum prices above stated, each quarter section containing said improvements and not selected by him."

Now, sir, let me show how the proviso will operate: One man, who has a wife and six children, owns a little homestead with fifty acres or less enclosed. He takes his quarter section to include his cabin and farm, and obtains them if they be not divided by legal sub-divisions and exemptions. In the latter case he obtains his dwelling for his homestead, and if able may take up his farm by paying for it. Then he must look around and find as best he may seven other quarter sections, not embraced in the above exemptions, for his wife and children. But another man who has neither wife nor child, but who has made it his business to locate valuable claims over the country upon choice prairie bottom and coal lands, convenient to towns and contiguous to present or prospective railroad lines and railroad stations, is allowed not only 160 acres for his homestead, but the period of one year after said lands shall have been opened for sale, to purchase each quarter section and every quarter section of them at the minimum prices above stated. Even the bill No. 1,376, "for the better protection of the Indian tribes and their consolidation under a civil government, to be called the territory of Oklahoma," appears to me not clear of doubt upon this point. The nineteenth section, which contains, I believe, all the exemptions provided for in the other bill as to school lands and railroad grants, provides "that when any person entitled to make selections is, at the time of the passage of this act, occupying and has improved or cultivated any of the lands above exempted, he may select the quarter section containing said improvements.

Not only so, Mr. Chairman, but the Cherokee people well understand that every acre of their land within the limits of their diminished reserve exempted for railroad or any other purposes, is taken from them for nothing, and entails upon them a direct pecuniary loss of their value, according as they may be coal, saline, mineral, farming or grazing lands.

They know that the railroad companies who are to become the beneficiaries of these bills have not the shadow of a right to claim that even their charters give them any contingent grants to their lands, and that they are calculated to perpetrate a wrong upon them which congress had no right to commit and did not intend to commit upon them in creating those companies. And this point, I think, must be clear to your minds for these reasons:

First. The faith of the government pledged those lands to the Cherokees as sacredly as language and purpose could do it.

Second. This was done to relieve the government from the embarrassments resulting from pledges to the state of Georgia in the compact of 1802, to which I referred in my former argument, and we cannot suppose that the government would deliberately commit itself to a violation of its own faith, to the perpetration of a fraud upon the Indians, and to a renewal of a state of affairs which had been productive of so much expense to itself and so much difficulty and bloodshed among the Cherokees.

Third. The charters of those companies warrant no assumption of a grant of Cherokee lands. They extend to the "public lands of the United States, as will be evident by reference to the following provisions of their charters:

The charter to the Union Pacific Southern Branch was approved July 26, 1866. Its ninth section reads:

"*And be it further enacted*, That the same grant of lands through said Indian Territory, are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act; *Provided, That said lands become a part of the public lands of the United States.*"

The ninth section of the act, approved July 25, 1866, conveyed grants through the public lands to the Kansas and Neosho Valley railroad, in the same language as the above grant to the Union Pacific Southern Branch Railroad Company, and it is under these charters that the Missouri, Kansas and Texas Railroad Company has already constructed its road across the domain of the Cherokee Nation.

The charter of the Atlantic and Pacific road was approved July 27, 1866:

"SECTION 2. *And be it further enacted*, That the right-of-way through the public land be, and the same is hereby granted to the said Atlantic and Pacific Railroad Company. * * * * The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act and acquired in the donation to the road named in the act.

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company, * * * every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line, as said company may adopt through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state, and *when-*

*ever on the line thereof the United States have full title, not reserved, sold, granted or otherwise appropriated,* and free from preemption or other claims or rights at the time the line of said road is designated by a plat thereof, filed in the office of the commissioner of the general land office."

Fourth. Because the charters to these roads are subsequent to the patent issued to the Cherokee Nation, but prior to the treaty of 1866.

Article twenty of the treaty which was finally ratified the 31st day of July and proclaimed the 11th of August, 1866, is an additional pledge of the character of the title by which I have endeavored to show you we hold them. It is in these words: "Whenever the Cherokee national council shall request it, the secretary of the interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them at the expense of the United States." Every foot of land reserved for them is theirs, and theirs only in law and equity, and whenever they shall request it, it is the imperative duty of the secretary of the interior to survey and allot it among them at the expense of the United States, whether such allotment gives them individually fifty, a hundred, or two hundred acres. And, sir, whenever their pleasure or stern and inexorable necessity imposes a change in the tenure by which they hold their lands, if my humble voice can be heard in regard to the details of the measure, it shall be raised in favor of their fair appraisement and an equal and impartial distribution of them or of their proceeds among all the people, for, as the common owners of a common heritage, they are entitled to equal rights, the poor as well as the rich, the ignorant as well as the enlightened, the patriotic as well as the unpatriotic, among them.

Before concluding these remarks, it is proper that I should show to this honorable committee that the Indians who are to be affected by these territorial bills are not opposed to progress and improvement. The annual report of the commissioner of Indian affairs shows that up to November 1, 1870, the United States held in trust for the civilized tribes of the Indian Territory, $4,014,875.89 2-3, a fair proportion of the interest of which is applied to educational purposes. They have now about 160 schools in operation among them, attended by between 5,000 and 6,000 children, at an annual expenditure of over $165,000. The Creeks, Cherokees, Choctaws and Chickasaws have written constitutions and regularly organized governments of their own choice, which have grown up with their progress and are suited to their condition. They hold the title to their respective reservations in common, but not their houses, farms or personal property. These are held in severalty. Whether wise or unwise, their systems are adapted to their condition. None among them are landless, and none need be homeless vagrants while living, to be dumped in the "Potter's field" of civilization when dead. They are not hunters, but agriculturists and stock raisers. They are not paupers fed from the hand of charity, but are entirely self-sustaining. The money paid to them annually is no gratuity, wrung by taxation from the sweating brow of the white man, but is the interest of your national obligations for lands obtained from them at your own prices, and which were seldom, if ever, equal to their true value. They ask not for these changes. They dread them. They protest against them. Does not their own experience and the history of the race sustain them in so doing, without subjecting them to the imputations of selfishness, indolence, degradation and prejudice? The whole history of the country sustains the declaration of President Van Buren that "a mixed occupancy of the same territory by the white and red man is incompatible with the safety and happiness of either." The condition of those now before you demonstrates the same fact. Why are they more numerous, more wealthy, more advanced, more hopeful and better preserved than any others within your borders? Is it not because their rights have been better protected? Is it not because they have been allowed to remain in greater security and given more time for improvement? And what arguments are brought forward now to induce you to strike down their political status, to destroy their organizations, to seize their lands, and to change in the twinkling of an eye the whole Indian policy of your government? I have shown you that your treaties forbid it, that your courts have not legalized it, that necessity does not require it, while those to be most affected and injured by it protest against it. What, then? Why, "the world is moving!" Indeed! and has it not been moving since the morning stars first sang together for joy? We must move with it or be crushed! And, pray, who proposes to make a brake of himself to stop its revolutions down the slant of time? But "it is inevitable." Ah, and have we a seer who, penetrating the great future, presumes to execute the decress of the Almighty upon the children of His creation in advance of His own good time?

I need not tell you, gentleman, that I am not the enemy of your people or government. Your blood largely predominates in my veins, while the evening and morning devotions of my earliest manhood were offered up in a building scarred by the balls of a revolutionary conflict. I need not tell you that I do not despise knowledge, civilization and a true manhood among the Cherokee people. Would that all of them were not only my peers, but even your own. But I am here to represent their views, which are coincident with mine, and to defend, humbly though it be, what my conscience and judgment tell me is true, just and expedient in connection with their affairs. I have endeavored to do so, and now, after thanking you sincerely for the kindness with which you have been pleased to listen to me, leave the case, with all the important interests it involves, to your wisdom and sense of justice.

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## FIRST CALLED COUNCIL AFTER THE WAR, WHILE CHIEF, AFTER THE DEATH OF JOHN ROSS.

*Friends and Fellow Citizens:*

You have been called together in pursuance of a joint resolution of the national council, for the purpose of making known to you the provisions of the treaty, concluded at Washington on the 19th day of July last, and of obtaining your ratification of certain amendments to the constitution of the nation which seem to be required, in part, by that treaty. The objects of the meeting are, therefore, important, while the circumstances under which it is held possess more than ordinary interest. For the first time for more than five years the people of the Cherokee Nation are assembled in general convention. For the first time since the war have you all met as friends and brothers. I most devoutly thank the Great Ruler of the Universe that it is my high privilege to address you as one people. I thank Him that amidst the carnage, the horror and the desolation of those long, dark years of conflict, we have not been swept entirely from off the face of the earth. I thank Him that our existence as a community is not destroyed; that our government is still maintained, and most earnestly do I trust that our present peace may continue unbroken; that our harmony may be firmly cemented; that the work of rebuilding our wasted homes and shattered fortunes may be prospered, and that our future prosperity may surpass our most earnest expectations. The measure of our success in time to come must depend, to a great extent, upon ourselves. We hold our fortunes in our own hands. If wise and prudent we shall be able, under the fostering care of the government of the United States, to increase our means, multiply our numbers, enlighten our people and fortify our position. Division of sentiment, degenerating into strife between persons, neighborhoods and parties, will produce nothing but mischief, weakness and ultimate ruin. Our only hope is that unity of feeling and action that we have of interest and destiny. *That* will give strength to our purposes, strength to our efforts, strength to our reduced numbers, strength to our government and institutions. *Cherokees!* if you firmly resolve to become one people, you will become one; if you firmly resolve to stand together, so will you stand, alike through good and evil. We are all possessors of a common inheritance, so let us enjoy it; we all have one interest—let us protect and defend it. Let us look forward to the pleasing landscape of the future, with its newly rising sun, its green plains, majestic hills and silvery streams, and not back upon the dark valley of the past, with its lost friends, blighted hopes and sad and fearful associations. The error, the wrong, the violence, the inhumanity and the defeat, the patience, the suffering, the heroism and the victory of the war have floated by us down the stream of time. We cannot snatch them back, we cannot change them. They have gone to swell the great volume of history. There they must remain: we may not forget them—we should not lose their solemn lesson to us as a people, but no good can arise from discussing them, from repining over loss and defeat or exulting over victory and its trophy. There is enough else ahead to absorb our thoughts, to employ our hands and to call forth our highest exertions. Never did we have more to live for, to labor for and to gain!

Let the young men of this nation remember that idleness leads to poverty, to dissipation, to strife, to violence, to murder and the gallows. Let them always bear in mind that industry is honorable and leads to contentment, to competence, to success and distinction. Although there are many sad and silent hearth-stones, not all the first born in the land have been smitten. There are still many children left. These must be educated. When huge cables stretch across the great ocean and railroads across a great continent, from the rising to the setting sun; when the blood of the most restless, and enterprising, and greedy population on the face of the earth is mantling and flowing all around us; when all classes and colors stand upon the same line, stripped to contend for the prize of wealth, knowledge and honor, there is no time for the children of this country to grow up in idleness and ignorance. The means of a common school education in the English language, which all should know, are within the reach of nearly, if not quite, all the children of the country. Let parents and guardians, as they value the future welfare of their children, see that they attend school regularly and faithfully. Let a general interest be felt and shown on this subject. We cannot stand still: we must go forward or backward. Our sons and daughters must be enlightened; they must be taught habits of virtue, temperance, economy and industry, or they will not be able to appreciate their own privileges, nor to understand or maintain their own rights.

Industry, when properly directed, will meet with ample reward. The raising of hogs, horses, cattle and sheep, when it can be done with so little care and expense, should be made a source of employment and profit. Our soil, so rich and diversified, seldom fails to compensate the industrious husbandman.

Wheat, corn, oats, barley, potatoes, cotton, tobacco and a long list of fruits and vegetables, with a ready and increasing market at our doors, will remunerate with comfort and competence any man who carefully cultivates them. The mechanical arts afford constant employment to those who pursue them, while there is every inducement for our own people to engage in milling, tanning and the manufacture of wagons, ploughs, furniture, etc. If we but fully realize the fact, my countrymen, we shall feel convinced that, whatever calamities may have befallen us, we are not wholly ruined, but still have possessions and privileges of no ordinary value. Everyone may have a comfortable home, with an abundance of wood, water, stone and land; all may have farms and orchards, producing liberally the most nutritious grains and delicious fruits; we can educate our children fully; we have a government and laws of our own making; we choose our own rulers. We are a community of men, regardless of complexion, as free as almost any on the continent. These are high and valuable privileges. Let us not despise or neglect them; let us prize them according to their great worth; let us improve them; let us press forward in the development of the material resources which lie all around us, to the increase of our own comfort and to the elevation of our people by an enlightened and christian civilization. Then new beauties will adorn the brow of our fair country. Then order will reign throughout our borders. Then shall we have wrought out a true destiny, snatched our race from the abyss of extinction, and obtained for them an honorable place among men.

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## ANNUAL MESSAGE OF THE PRINCIPAL CHIEF, DELIVERED NOVEMBER 5, 1873.

*To the National Council, Friends and Fellow Citizens:*

In compliance with the provisions of the constitution, you have convened for the purpose of holding the annual session of the national council. Before proceeding to give such information as to the state of the government, and to recommend such measures for your consideration as are deemed expedient, it is proper that a grateful acknowledgment be made to the Author of every good and perfect gift, for the manifold blessings which surround the Cherokee people. It is true that the months which have elapsed since the close of the last session of the national council, have not been devoid of anxiety for the rights of the Cherokee people, nor of deeds in their midst which have brought sorrow to the hearts of law abiding persons, heaped reproach upon their character and increased the dangers which threaten the perpetuity of their existence. But notwithstanding these events it is a high privilege to be able to state that the functions of the government have been regularly exercised; that quiet, order and good feeling have predominated; that the industry of the farmer has met with at least a partial reward in the productions of the soil; that neither pestilence nor famine has visited the land; that education and religion have steadily advanced, and that the integrity of the nation, with all its rights and immunities, remains unimpaired. Now, as then, however, the greatest danger apprehended is found in the relation which the nation sustains to the measure for the establishment, by congress, of a government for the Indian Territory. This question, pressed by our opponents only, has lost none of its importance. The bill for this object, which was pending before congress at the last session of the national council, after a full and able discussion in the house of representatives, was defeated by a decisive majority. A bill of a similar character was reported, shortly after, to the senate, by its committee on Indian affairs, and is still pending. Other bills for the same object will be presented to congress during its approaching session. The persistent efforts put forth by the various interests and influences at work to accomplish the ends for which these measures are proposed, should be neither forgotten nor overlooked. While full confidence is due to the purpose of the president of the United States, to fully respect the rights of the Indians, as stipulated by existing treaties, and to adhere firmly to his humane policy of preserving this territory as the home of the Indians now permanently settled, and of those who may yet be settled, within its borders, we should not conceal from ourselves a knowledge of his desire for their closer consolidation under a government whose leading provisions will be uniform and common to them all, nor of the recommendations already made by him in this regard in his last annual message to congress. Similar sentiments were expressed by him in a personal interview accorded the members of your late delegation, although accompanied with the assurance that no measure would receive his approbation which, upon the closest scrutiny, was found not fully to protect all the rights guaranteed to the Cherokee people by treaty. The results anticipated from the change in their relations, are the gradual blending of the Indians under the same form of government, and whose executive and judicial officers shall be appointed by the President, the allotment of their lands in severalty, the gradual extinction of all civil distinctions between them and citizens of the United States, and their ultimate absorption as a portion of their population. This end is regarded as the final solution of the so-called Indian question, and is cherished by many persons who are unquestionably the friends of the Indians, who regret the indignity and injustice too often heaped upon them; who deplore their rapid decline and sincerely desire their protection and preservation. They are inclined to look favorably upon these changes in the condition of the Indians in this country from motives of humanity and that large spirit of justice which regards the rights of all men of every color and in every condition of life. But it is believed that the great majority of those who clamor so noisily for a territorial government, are inspired by motives of a different character. Railroad corporations unwisely, if not dishonestly, invested with immense grants of land, contingent in their character, and which cannot inure, in this country, until the title of its lawful owners be broken, or vitiated; ambitious men aspiring to new places of honor, profit and trust, and the large number of adventurers ever ready to pounce upon Indian lands, conspire to raise their voices in favor of it, regardless alike of the rights and the fate of the Indians and of the pledges and faith of their own government. From these influences, to some extent, doubtless spring the excursions through the country, tendered to congressmen, legislators, editors, agriculturalists and capitalists; resolutions in favor of "opening it," by boards of trade and chambers of commerce in neighboring cities; untruthful telegrams and exaggerated newspaper articles, representing the condition of the Indians, and, it is to be feared, much of the intrusion, trespass and crime which, to their profound regret and permanent injury, occur within their limits.

This state of affairs presents questions of the gravest character for your consideration, and should be met with the utmost candor and the widest possible forecast. The declarations heretofore made upon the territorial question, with entire unanimity, by the national council, and by the delegations to Washington appointed by its authority and acting under its instructions, have been full and explicit, and in accord with the views of the overwhelming mass of the Cherokee people. This action has emanated from neither ignorance nor prejudice, but from a clear perception of their legal rights in the premises and an earnest conviction of what they have conceived to be a proper regard for their highest interests, both at present and in time to come. The guarantees made to the Cherokee people in the most solemn manner, and confirmed time and again by every department of the government in their dealings with the Cherokees, are as binding in law and conscience as when made for the accomplishment of the purposes for which they were designed. Among the guarantees is that to be found in the fifth article of the treaty of 1835, that the country ceded by the United States to the Cherokee Nation should never be included within the limits or jurisdiction of any state or territory without their consent; that of the third article, which gives them a *fee simple title* to their lands, conditioned only upon their abandonment, or the extinction of the Cherokee people, and that of the treaty of 1866, the seventh and twenty-sixth articles, which secure them in the right of self government, and protection from intrusion. To the extent that circumstances have compelled the Cherokee Nation to relinquish the right, or to pledge itself to the performance of a duty, they are ready and willing, fully and freely, to do all that law and good faith can fairly require at their hands. But beyond this they cannot be reasonably expected or required to act, except with their own consent. As intimately connected with this general subject, it seems to be proper to refer to the provisions of the treaty of 1866, in which the Cherokee Nation consented to the establishment of a general council, and to that giving to congress the right to create a court within the Indian country, with such jurisdiction as may be conferred upon it by the law, but retaining to the tribunals of the nation jurisdiction in all cases arising within its own limits between its own citizens. So far as legislation is concerned, the general council has been of but little practical effect, in consequence of the differences in the provisions of the treaties which created it, in defining its forms and the rights of the government. To the extent that the Cherokee treaty goes in these respects, the nation has shown a readiness to comply with its provisions, but justly objects to accepting the provisions of the treaties of the other parties, and which differ, in important respects, from its own. Whether, in view of this fact and those stated in connection with the condition of the country, and the influence you should exert in defining the jurisdiction of the courts that congress may create with powers affecting the entire intercourse of your people with the people of the other nations, not only beyond but within your own limits, you deem it expedient to enlarge the powers of that council, is a question left where the treaty places it to your own action, subject to the approval of the President. But own my conviction on one consideration of the question is clear—the Cherokee Nation should ask, as a condition precedent to the enlargement of the powers of the general council, a repeal, or abrogation by congress of the provisions of every act chartering railway companies within their limits, that can be in any manner construed as affecting, contingently or otherwise, the fee simple to their lands. The circumstances under which the charters to these roads were made, the stupendous magnitude of the interests they are expected to affect and the powerful inducements they hold out for the destruction of our rights, in order to make them available within the limits of this territory, render this request reasonable and just.

At the close of the war the Cherokee Nation held letters patent, executed by the president of the United States in 1838, in fulfillment of treaty stipulations and by authority of law, to a domain embracing 14,374,135 acres of land, which was to be a home for them and their descendants forever, unless they should abandon them or become extinct. Of this large and princely inheritance there now remains to the Cherokee people, as their permanent reservation, only 3,844,712 acres. They have parted with the tracts in Kansas, known as the neutral land, estimated to contain 800,000 acres; the strip in Kansas, along its southern boundary, estimated at about 500,000 acres, and the tract extending from the ninety-sixth meridian to the Arkansas river, containing 1,566,784 acres. Deducting the aggregate of these several tracts from the original quantity it leaves, west of the Arkansas river and south of the state of Kansas, a tract of something like 7,662,639 acres, which the Cherokees still own as a part of the outlet west. By the treaty of 1866 it was provided that the United States might settle friendly Indians upon their lands west of the ninety-sixth meridian, west longitude, and which includes the tract now referred to and that ceded the Osages. But the lands thus to be disposed of were to be paid for at such price as should be agreed on between the Cherokees and the Indians settling upon them, if they could agree, subject to the approval of the President; but if they could not agree then the price should be fixed by the President. What quantity of the tract west of the Arkansas is now held by the Cheyennes and Arapahoes, placed upon it by the United States, I am not able to state. Although directly and largely interested in the transaction the Cherokees were not consulted as to its terms. They had no opportunity allowed to fix the price with the Indians settled there, nor has the government or the Indians paid them a cent for it, down to the present time, although six years have elapsed since the date of its transfer. This subject should receive your attention and the rights of the nation be pressed upon the government.

From the annual report made by the commissioner of

Indian affairs, under date of November 1, 1872, it appears that the secretary of the interior holds, as trustee for the Cherokee Nation, in state and United States bonds, the sum of $1,633,627.39; also a recognized claim for abstracted bonds, on which the interest is annually appropriated by congress, of $83,000, making the aggregate sum of $1,716,627.39. Since the date of that report, there has been placed to the credit of the Cherokees, in the treasury department, for the lands ceded to the Osages, the price of which was fixed by the President, $1,096,748.80. To this sum should be added the amounts paid by settlers on the "Strip," under the provisions of the act of congress of 1872, but of which this office has no report. Adopting the report of the commissioner of Indian affairs, before alluded to, and the mode of investments provided by the nineteenth article of the treaty of 1866, as modified by the legislation of the national council, and approved and confirmed by act of congress for the benefit of the orphan fund and to found an institute for indigent children, and these investments may be classed under their appropriate heads as follows:

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| National funds, as per report of commissioner | $1,008,285.07 |
| Lands ceded to the Osages | 455,874.40 |
| Total | $1,464,159.47 |
| School fund, as per report of commissioner | $ 532,407.01 |
| Lands ceded to Osages | 319,112.08 |
| Total | $ 851,519.09 |
| Orphan fund, as per report of commissioner | $ 175,935.31 |
| Lands ceded to Osages | 136,762.32 |
| By act of council and congress | 80,000.00 |
| Total | $ 292,697.63 |

The total annual payments under the several heads reported by the commissioner, to the Cherokee Nation, since the year 1866 to the 19th of February last, were:

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| **National funds** | **$244,812.11** |
| **School fund** | **182,560.15** |
| **Orphan fund** | **54,730.38** |
| **Making in all** | **$484,030.64** |

The payment under these heads made to the treasurer of the nation, and including $5,270 advanced on the requisition of the late delegation for the year, amount to $95,634.78. This sum will be increased during the present year, by interest on the money placed in the treasury to our credit from the Osage funds, by something like $54,000, besides such sum as may arise from payments on account of sales of the strip in Kansas, but which I cannot now estimate. From this statement, believed to be nearly correct, the receipts for the current year should be not less than $150,000.

### EXPENDITURES.

The total amount of appropriations for 1871-72, as shown by the acts of appropriation, were, of the general fund, $51,554.18 3-4; orphan fund, $11,905.50; school fund, $27,000.

According to the report of the auditor, and estimating the present session of the national council for the term of thirty days to be the same as last year, and the expenses of the year will be something like $40,000, on account of the general fund. Entire accuracy is not claimed for these estimates, because the data is not at hand to make them so. To supply it in future I recommend that you establish a fiscal year and provide for a more complete system of accounts. This statement of annual payments to the treasurer is confined to those made by the government, on account of trust fund, and does not include any receipts of home revenue from licenses, taxes, leases, salines and coal mines, etc. The income from these sources in 1871-72 was about $4,500, but should be of much greater value, and which can be made available by proper legislation. I therefore renew my recommendation that all these interests be placed in the hands of the treasurer, with such authority as may be necessary for the discharge of his duties. The Cherokee Nation claims the right of proprietorship in them for the common benefit of the people, and they should be faithfully collected and accounted for. The propriety of this recommendation can but be evident when you bear in mind the value of the ferries, salines, coal mines, forests and pasturage for stock grazing, from which the nation claims the right to collect taxes, and how little they are made to yield, from the neglect and inefficiency of officers and the defects of the statutes relating to them. The tax upon cattle driven through the country, alone, if half collected, would more than cover the entire receipts now accounted for to the nation from all these supposed sources of revenue. The amount of the outstanding indebtedness of the nation, which has been allowed and covered by appropriations by the national council, is estimated by the treasurer at about $35,000.

Believing that the income of the nation is ample to meet all expenditures necessary for an efficient and economical administration of the government of the nation, to avoid all indebtedness and to keep the value of its paper at par, I beg leave briefly to direct your attention to some of the measures which will be likely to secure these ends. As the first step toward a wholesome administration of justice and the suitable protection of person, life and property—the leading objects in the establishment of all governments—I renew the recommendation for authority to appoint a commission of persons, suitably qualified by learning and experience, to prepare a new code of laws. The intention of this recommendation is not to set aside present laws, but to amend and enlarge them to such extent as will make them more clear, comprehensive and complete as a system, and better adapted to the advanced condition of the people.

The varied character of the offences which are committed, and are creeping into our midst to disturb the peace of the country, must be apparent to all, and calls upon you imperatively to modify the criminal law and to provide additional methods for the punishment of offenders. Nothing is hazarded in saying that ninety-five per cent. of the citizens of the nation constitute as sober, quiet and law abiding population as are to be found elsewhere. But you are not ignorant of the fact that the imperfection of existing laws and penalties attaching to their violation, makes it impossible to punish, adequately, many offences which deserve to be punished with greater or less severity. Hanging, stripes, fines and disqualifications, even if proper and effectual in some cases, do not afford, of themselves, a penal code adapted to the wants and advancement of a community in the condition of the Cherokee people; and I simply discharge my duty, painful as it is, when I frankly inform you that a few murders of the most wanton character have been committed within our limits. In two instances the offenders have been arrested, tried by the United States district court, convicted and executed, but in some others the perpetrators have not been discovered or have succeeded in escaping from justice. Believing that the highest interests of the country demand that justice should be promptly meted out in all such cases, I have urged upon the officers of the nation the duty of arresting offenders whenever discovered, whether amenable to the laws of the nation or of the United States, and have not hesitated to order the arrest of persons charged with high crimes, upon the requisition of the United States agent for Cherokees, and their surrender to the proper authority for trial. The propriety of enacting laws which will enable the principal chief the more effectually to perform this duty, under suitable safeguards for the rights of the persons accused, is submitted for your action.

As a second measure of economy your attention is invited to an alteration in the present system of appropriating and paying men to act as guards. This whole business is placed in the hands of the sheriffs, and leaves the amount of expenses imposed on the national treasury largely in their discretion. From a statement submitted to me by the auditor, under date of the 27th ult., it appears that the amount of expenses for jurors, guards and board bills, from August 1, 1872, to the same date of the current year, is $15,281.31, besides a considerable number of certificates issued for these purposes during the same time, but which were not presented for registration. As one means of diminishing these expenses, I recommend that no certificates of national indebtedness shall be issued, except by the clerks of the circuit court, upon the report of the officers summoning such persons, supported by oath as to the correctness of the reports, and which shall be approved by the judge of the district court; all certificates to be furnished in blank by the treasurer of the nation, and receipted for by the clerks, and stamped with the seal of his office when delivered.

A second means of reducing these expenses and greatly improving our methods of restraining and punishing crime, may be reached by building a jail. The appropriation for this purpose need not be large, for if circumstances should unfortunately require extensive accommodations, the prisoners in confinement could, under suitable superintendence, be compelled to make any additions that should become necessary.

As a third means of reducing the expenses of the nation, I recommend that reasonable salaries be paid such officers as may be required to carry on the affairs of the government, and that their salaries be appropriated in advance and payments be made quarterly, or at least semi-annually. Capability and fidelity in the officers will secure an intelligent and prompt discharge of duty. Promptness and intelligence will prevent much of the difficulty and delay resulting from ignorance and inefficiency, and should be promptly and seasonably rewarded.

As a fourth measure of diminishing the expenses of the nation, I call your attention to the book department of the printing establishment. Believing that the outlay connected with it is disproportioned to any benefits or advantages resulting from keeping it up, I recommend its discontinuance. Any printing that may be required, beyond that connected with the newspaper, can be better and more economically done in St. Louis or New York.

As a fifth measure of economy, I call your attention to the delegations which are annually sent to Washington. I would not lightly estimate the value of the interests which require the attention of the nation before congress and the executive branch of the government, nor knowingly jeopardize the safety of the Cherokee people in their homes and in the right of self-government, but I am clearly of the opinion that these can be as well maintained and vindicated at much less expense than has been deemed necessary in times past. This subject has been frequently pressed upon the attention of the national council, and there is now to be found in your statute book an act which looked to the economical and efficient management of Cherokee business before the government, passed in 1853, providing for a resident agent at Washington City, but no appropriation was ever made to carry it into effect. The propriety of giving your attention to this point will be apparent when you are informed that even your smallest delegations and the employment of attorneys to aid in the preparation and prosecution of their business, is costing not less than $20,000 per annum. I am aware that the interests involved are not to be estimated by such figures, and that the ends accomplished have been of large pecuniary return to the Cherokee people, but I also believe that the same purposes can be accomplished at a greatly reduced expenditure, and that it should be done. While on this subject, I may as well take occasion here as elsewhere, to state that the Cherokees have no attorney, so far as I am aware, employed at present. I also deem it appropriate to add that it will be advisable for the nation to be represented during the approaching session of congress by a delegation, with such authority and under such instructions as you may deem expedient.

In case you should not authorize the preparation of a new code of law, as suggested, it is desirable that you give immediate attention to amending the criminal laws, so as to define and punish crimes with appropriate penalties; that you abolish the office of solicitor and appoint a prosecuting attorney, with suitable compensation, for each judicial circuit; that the offices of clerks of the circuit and district courts be vested in the same person in each district, that he be made elective by the people and be required to give bond and security for the proper discharge of his duties, and that his office be furnished with an official seal and books of a kind suitable for keeping properly the record of all necessary papers and proceedings; and further, that some other mode of selecting jurors in criminal cases, than the present, be adopted. The duty imposed on a judge of making out a list of persons from whom jurors are to be chosen for each case, as it arises, is greater than he should be called upon, or allowed to exercise. In my opinion a better plan would be to require that an even number of names should be prepared by the judge of the court, in conjunction with the sheriff, and that from this list the necessary panel should be drawn by the clerk in the presence of the officers before named.

I submit herewith certain papers relating to the tragedy which occurred at the court house in Going Snake district in April, 1872, at the trial of Ezekiel Proctor. The facts connected with that lamentable affair are too well known to your body to require repetition. Shortly after it took place, indictments were made of more than twenty citizens of the nation, including the members of the court, and warrants issued for their arrest and trial before the United States district court for the Western district of Arkansas. Only five or six of them, however, were served, and those mostly upon the voluntary surrender of the accused. The cases were not brought to a hearing, but were all dismissed in September, by order of the attorney-general of the United States. Immediately after the tragedy referred to occurred, and before those warrants were issued at Fort Smith, I am informed that a warrant was issued by the clerk of the circuit court for Going Snake district for the arrest of Sut Beck, and perhaps others who were with the marshal's party, for a violation of a law of this nation. No attempt had been made to serve it, but after the action of the attorney-general, Beck and others voluntarily placed themselves in the hands of the sheriff and a court was called to meet the 20th of October for their trial. Three days previously, however, the United States agent for the Cherokees transmitted to me a copy of a telegraphic dispatch from the acting commissioner of Indian affairs, under instructions from the secretary of the interior, directing the agent to require the Cherokee authorities to suspend proceedings in the case until he should receive further advices from that department. Accordingly I requested the presiding judge, in a note dated the 18th inst., to suspend proceedings until further instructions, and informed the agent of my action, at the same time requesting to be informed of the cause of this interruption on the part of the government, of the proceedings in a case before the courts of the nation, arising within its own limits and between its own citizens. The only additional communication is one asking for information respecting the case, and the copy of one addressed to the agent by N. J. Temple, Esq., United States district attorney for the Western district of Arkansas, stating the conditions upon which the proceedings against Proctor and others were dismissed. My reply to the request of the agent, which presents fully my views of the case, is herewith also presented. But as it involves questions which largely affect the peace and quiet of the country, the rights of the nation and the duties and allegiance of its citizens, it is referred for your action. In your hands alone does the constitution place the power of suspending the laws of this nation.

The status of a number of freed people now within the limits of the nation should be definitely settled by the action of the national council. The provisions made in the treaty of 1866 for the benefit of this class of people who came within its stipulations, were humane and liberal, and have been carried out generally fairly and fully, and in industry, order and patriotism they compose a class which compares not unfavorably with other portions of the population of the country. Besides these there are a few whose rights seem to be clear, who have not yet been admitted to citizenship, and a considerable number of others who failed to return to the nation within the time prescribed by the terms of the treaty and are therefore legally barred from its benefits. The recommendations made by my predecessor and repeated by myself, that the provisions of the treaty be so extended as to include them in like manner with the others, is renewed as a measure humane in its spirit, liberal in character and expedient in result.

If there are any statutes which bear unequally upon this class of members of the nation, I suggest their repeal or modification so far as may be proper to comply in good faith with the spirit, as well as the letter, of the treaty, which declares that they "shall have all the rights of native Cherokees."

Education, embracing in its comprehensive meaning the development, cultivation and training of the mental, moral and physical powers of the children and youth of our country, possesses peculiar interest in view of the circumstances which surround the Cherokee people. Its great importance has been long recognized by the authorities of the nation and is to-day conceded by every reflecting mind. The history of its progress among the Cherokees deserves a brief recitation.

Among the schools established, first among them were those of the Moravian missionaries, early in the present century. These were followed by those of the Baptist and American boards. These were few in number and not very largely attended, but the influence has been abiding and is felt at the present time. It was perhaps due to such influence that the Cherokees, by treaty in 1719, set apart the proceeds of certain tracts of lands, about fifteen miles square, to be invested as a permanent school fund, and the interest of which was to be applied, under the direction of the President of the United States, in the manner which he should judge best calculated to diffuse the benefits of education among the Cherokees east of the Mississippi river. By the tenth article of the treaty of 1835 this fund was increased by the sum of $150,000, and by the twenty-third article of the treaty of 1866 it was agreed that thirty-five per centum of the proceeds of all funds due the nation or that should thereafter accrue from the sale of their lands in the manner provided by the treaty, should be applied for the support of common schools and for educational purposes. Under the operation of these stipulations, the school fund for the coming year will be about $50,000, subject to increase by the sale of the strip in Kansas and other sales in future.

No effort was made to establish public schools by the nation until the year 1839, the only schools previous to that time being a few private schools, and the day and boarding schools sustained by the benevolence of religious denominations. In that year a committee was appointed to prepare a "system of general education by schools," to be reported to the national council in 1840, but it was not until the close of the year following that provision was made by law for establishing in different sections of the nation eleven common schools, and appropriating for the support of the same $5,885. In 1843 the number of schools was increased to eighteen and the sum appropriated for their support $7,400. In 1846 measures were taken for the establishment of the two high schools, which were afterwards in useful operation for a few years and until the funds were exhausted. In 1867, after the war, the number of schools established was thirty-two; appropriated for their support and books, $8,200. In 1869 the number was forty-two, and appropriated $16,400. In December, 1870, the number was sixty-four, and the appropriation $25,000. At present, according to the report of the superintendent, including the female school and omitting that for orphans, the number is sixty-one, the appropriation for their support being $28,400; the number of children, aggregate 1,745, average 950; the number of teachers, sixty-one, including forty-four native and four adopted citizens; females, thirty-seven. The large increase in the fund subject to legislation demands the maturest consideration on your part in order to make its application judicious and profitable. If the public schools have not been attended with all the success that might have been wished or expected, no candid mind, it appears to me, can deny that they have been productive of great good and are still the means of imparting much knowledge to the children of the country. My conception of the proper course to be pursued is not to break down the present system, but to enlarge and perfect it until the blessings of a wise and virtuous education shall be placed within the reach of every child in the land. No one denies the benefits derived from the public schools by that portion of our population who have a knowledge of the English language, but there are those who contend that the present system has been a failure so far as those are concerned who have not that knowledge. While this may be true to some extent I do not believe it to be entirely so. On the contrary, I believe ~~that the benefits~~ derived from them by even this class of persons cannot be either lightly or duly estimated. At the same time, being deeply impressed with the conviction that the great and paramount want of the Cherokee people is a practical knowledge of the English language, I am sincerely desirous for the adoption of such measures as will most rapidly impart it to them. It was this desire, coupled with an anticipation of the means of education now placed within our control and a knowledge of the abiding benefits conferred upon Cherokee children by the boarding schools established in former years by the missionaries of different denominations, that prompted me to recommend the plan that was presented to the national council at its last annual session. The national council adopted the suggestion and passed an act to carry it out. Congress approved and authorized it by needful legislation and the sum of $75,000 is placed to the credit of the nation to enable the national council to accomplish it. It therefore devolves on you to authorize such action as will give early effect to the benign objects of this liberal appropriation. The details of its application belong to your discretion, but as it is a subject in which I cherish a profound interest I beg leave to state briefly my ideas in regard to it. I therefore recommend that the two seminary buildings be enlarged, as circumstances may require, out of this fund, and converted into graded schools, one each for males and females, primary departments being attached for the reception, accommodation and instruction of the class of children for whose benefit the fund is designed. A course of instruction in the higher branches of education should be provided for the benefit of advanced pupils who may wish to pursue it upon the plan now at the female schools, and should be accessible to a limited number of pupils who may win an entrance, after a competing examination, from the public schools and from the orphan asylum, and whose education and support should be in whole or in part provided for by the nation, as a reward for their good behavior and excelling in study. The advantages to be derived by those admitted to the primary department of these schools would be realized in the wholesome discipline exercised over them, in the increased facility with which those of them who were ignorant of it would acquire English and the mental and moral instruction imparted. The number of children who could be admitted to this department, in my judgment, would be not less than 150 to each school. Small as this number may appear, I am persuaded that the introduction annually of even one hundred children into families where the English is not understood, will be a far more potent agency in disseminating a knowledge of it among the people than any heretofore tried or recommended. This recommendation is strengthened by the necessity which exists for the support of the high schools. One of these schools —the female—is now in operation, with the prospect of great usefulness. The other should be revived without delay, for the liberal education of the males of the country is not less important than that of the females. So evident is the force of this fact that it need not be dwelt upon. From the report of the superintendent it appears that a number of schools have fallen below the average attendance fixed by law. I recommend that the least profitable of them be discontinued and that an assistant teacher be provided for one or two of the most eligibly located schools in each district and a limited sum be expended in providing them with suitable apparatus and furniture, with the view of giving them reasonable permanence and increased usefulness. I am aware that this suggestion may be open to criticism, but I am also aware that a school cannot be placed at the door of every house and believe that greater good will result, in a short time, from such concentration than from the opposite course. At least one of the teachers at such schools should be familiar with the Cherokee language. The branches to be taught and the qualification of teachers in the public schools should be fixed by the national council, or authority be given to the examining board to do so and to adopt suitable regulations as to time and place for examining teachers and holding institutes. The recommendation of the superintendent as to the propriety of creating a board of school commissioners or directors, is referred to your favorable consideration. Among the evident wants of the country is a suitable number of well qualified teachers for the public schools, and as this want is doubtless felt by our neighboring nations I would suggest the propriety of inviting their co-operation in endowing a normal school, with special reference to the preparation of teachers for the Indian country. If the joint co-operation thus suggested should meet with favor such a school could be soon established and carried into effect by an expenditure that would be small on the part of the Chickasaws, Choctaws, Creeks, Cherokees and others who might be induced to aid in the enterprise, while its benefits in training a class of teachers deeply interested in the progress and elevation of the race, could not be too highly estimated.

### CHEROKEE ORPHAN ASYLUM.

By the tenth article of the treaty of 1835 the sum of $50,000 was set apart to constitute an orphan fund, the annual income of which shall be expended toward the support and education of such orphan children as are destitute of the means of subsistence. By the twenty-third article of the treaty of 1866 that investment was changed so as to provide that fifteen per cent. of all funds due the nation, or that may hereafter accrue rom the sale of their lands by the United States, was to be invested and the interest applied to the orphan fund. Under this provision the annual income of the fund in 1872 was raised to something like $10,000, and should this year amount to about $14,000 or $15,000. As early as 1842 the national council, "deeming it expedient that schools for the education of orphans exclusively" should be established, passed a bill looking to such an institution on the manual labor plan. Other bills were passed at different times having in view the same end, but it was not until the act of November 25, 1871, "for the support and education of orphan children," that the measure received practical effect. The institution was put into operation in 1872, temporarily, at the buildings of the male high school near this city. Thus far the results of the experiment have been highly gratifying and give confidence in the hope that it will be productive of the highest blessings to those who are received under its fostering care and to the country at large. From the second annual report of the trustees, herewith submitted, you will be able to obtain full information respecting its condition. The number of pupils provided for in the asylum is ninety, about equally divided between the two sexes, at an expense of about $65 per pupil for board, clothing and tuition. The enlarged spirit of liberality and humanity which has marked the legislation of preceding national councils in the endowment of the asylum, is worthy of the deep sympathy which must ever be felt for the bereaved ones for whose safety and welfare it was intended to provide, and I doubt not like sentiments will characterize your legislation in building it up on the broad and permanent foundation which they proposed. The application of the additional funds for its benefit authorized by the last council and approved by congress, and its permanent location, as advised by the board of trustees, are commended to your early consideration and favorable action.

### HOME FOR THE BLIND AND INSANE.

The application of the fund set apart by the act of October 30, 1872, and approved by the act of congress February 14, 1873, for "an asylum for the insane, deaf and dumb, blind and indigent persons of the Cherokee Nation," should receive your attention and measures be adopted to extend its benefits early as practicable, in fulfillment of the humane objects for which it is designed.

Believing that there is greater want of the opportunity for the profitable employment of labor than of the spirit of industry itself, among the Cherokee people, your attention is called to the subject in the hope that you may be able to adopt measures to supply it. It seems to me that something might be done in this respect by giving suitable encouragement to the development, not only of the agricultural and mining resources of the country, but to new industries which would diversify the pursuits of the people. Salines, coal mines and timber are at best nominally regulated by law. Why not include lead and manufactories, and give such encouragement, under proper restrictions, as will enable wealth and capital to erect additional flouring mills, tanneries, shoe shops or manufactories for cotton and woolen goods or for plows, wagons, spinning wheels and furniture, at such places as will be most convenient to population and best adapted for the particular enterprise to be fostered, and require that the labor to carry them on shall be performed, so far as practicable, by natives of the country, including a given number of them as apprentices. If you see fit to entertain this idea, but are not prepared to legislate satisfactorily at present, it would be advisable to refer the general subject to which it relates to a committee of intelligent and practical men, who should give it a thorough examination and report their conclusions to your next session.

As the laws of the United States regulating trade and intercourse with the Indian tribes, and others which are in force in the Indian country, have never been printed in the Cherokee language and the people are necessarily ignorant of their provisions, although amenable for their violation, I suggest the propriety of asking the department of the interior to have a brief digest of them prepared, translated and printed for their information.

The annual reports of the treasurer, editor, auditor, commissioners of town lots and superintendent of schools are herewith submitted.

In conclusion, allow me to express my earnest conviction that there is nothing wanting, under the guidance of Providence, to secure the rapid advancement of the Cherokee people in knowledge, wealth and prosperity, but the observance of good faith toward them by the government and people of the United States, and the exercise of a spirit of patriotism and fraternal harmony among themselves. WILL P. ROSS.

* * *

## REMARKS BY WILLIAM P. ROSS,

### WHILE PRINCIPAL CHIEF, BEFORE THE COMMITTEE ON TERRITORIES, IN OPPOSITION TO THE BILL TO ORGANIZE THE TERRITORY OF OKLAHOMA.

**DELIVERED MONDAY, FEBRUARY 9, 1874.**

*Mr. Chairman and Gentlemen of the Committee on Territories:*

In presenting some reasons why the bill "to carry out certain Indian treaties of 1866 and to organize the territory of Oklahoma," or any kindred measure, should not meet your approval, I cannot hope to offer anything new; but shall be as concise as the variety and magnitude of the questions involved may seem to allow.

The country commonly known as the Indian Territory comprises an area of 44,154,240 acres, owned and occupied by more than twenty-five different tribes, with a population estimated at about 70,000 persons. The circumstances which led congress to establish that country, whose exterior boundaries are too well known to require repetition, are deserving of your consideration. They grew out of the difficulties resulting from a "mixed occupancy" of the same territory by the whites and Indians, and the consequent conflicts between federal and state authority. President Van Buren, in his message of 1838, in referring to this subject, says: "The remedial policy, the principles of which were settled more than thirty years ago under the administration of President Jefferson, consists in an extinction, for a fair consideration, of the title of all the lands still occupied by the Indians within the states and territories of the United States; their removal to a country west of the Mississippi much more extensive and better adapted to their condition than that upon which they then resided; the guarantee to them by the United States of their exclusive possession of that country forever, exempt from all intrusion by white men, with ample provisions for their security against external violence and internal dissentions, and the extension to them of suitable facilities for their advancement in civilization."

In 1825 President Monroe recommended to congress the acquisition of a sufficient tract of country west of the state of Missouri and the territory of Arkansas, in order to establish permanent settlements of the tribes which were proposed to be removed. President Jackson, in his message of December, 1829, in urging the removal of the Indian nations whose representatives are now before you, and others, said: "As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes." In execution of these recommendations, and to appease the clamour of demagogues and relieve the states of the presence of a population not homogeneous in color, culture, habits and inclination, with their own more powerful and progressive people, congress passed the act approved May 28, 1830. I will read a part of this act, because it lies at the foundation of this whole question:

"*Be it enacted, etc.*, That it shall and may be lawful for the president of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be described, by natural or artificial marks, as to be easily distinguished from every other.

"SEC. 3. *And be it further enacted*, That in the making of any such exchange, or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs and successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

"SEC. 6. *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever."

How fully this "remedial policy" of President Jefferson, prior to the date of this act, was engrafted, and how thoroughly established subsequent to it, in the history of the country, is conclusively shown by the following references to numerous treaties with the Indians now before you, to say nothing of the uniform legislation of congress and judicial rulings in the same direction.

The preamble of the treaty of 1828 with the Western Cherokee Nation, recites "the anxious desire of the government of the United States to secure to the Cherokee Nation of Indians" a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never, in all future time, be embarrassed by having extended around it the lines or placed over it the jurisdiction of a state or territory, nor be pressed upon by the extension in any way of any of the limits of any existing territory or state." Its second article reads: "The United States agree to possess the Cherokees and to guarantee it to them forever, and that guarantee is hereby solemnly pledged of seven millions of acres of land," besides the country known and styled "the Cherokee Outlet."

The treaty of 1833 was supplemental to that of 1828, modified in part its boundaries, and provided that letters patent should be issued by the United States, as soon as practicable, for the lands thereby guaranteed. And this is the country owned and occupied now by the Cherokee people, except as affected by the treaty of 1866. It is also important as annulling the sixth article of the treaty of 1828, which had reference to two questions now pressed upon the Cherokees—the survey and allotment of their lands, and "a plain set of laws suited to their condition" to be given them by the United States.

The treaty of New Echota, in 1835, repeats the language of the treaty of 1833 in confirming the cession of lands made to the Cherokee Nation. Its third article stipulates that "the United States also agree that the lands ceded by the treaty of February 14, 1833, including the outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the president of the United States, according to the provisions of the act of May 28, 1830."

By the fourth article of the same treaty "the United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article, shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any state or territory; but they shall secure to the Cherokee Nation the right, by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their own people or such persons as have connected themselves with them," not inconsistent with the constitution of the United States and the acts of congress regulating trade and intercourse with the Indian tribes.

The first article of the treaty of 1846 declares: That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit, and a patent shall be issued for the same, including the 800,000 acres purchased, together with the outlet west, promised by the United States in conformity with the provisions relating thereto contained in the third article of the treaty of 1835, and in the third section of the act of congress approved May 28, 1830, which authorizes the president of the United States, in making exchanges of land with the Indian tribes, to "assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same," neither of which contingencies has yet happened.

By the twenty-sixth article of the treaty of 1866, "the United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the

United States who may attempt to settle on their lands or reside in their country." By its twenty-seventh article it is provided: "And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation or remaining in the same, except as herein otherwise provided." By the thirty-first article, "all provisions of treaties heretofore ratified and in force, and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force."

By the treaty of 1830, the Choctaw Nation ceded the entire country owned by them east of the Mississippi, and agreed to remove from it, the "United States promising to "cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi river, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it." It was also stipulated that "the government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no territory or state shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants; and that no part of the land granted them shall ever be embraced in any territory or state; but the United States shall forever secure said Choctaw Nation from and against all laws, except such as from time to time may be enacted in their own national councils, not inconsistent with the constitution, treaties and laws of the United States, and except such as may and which have been enacted by congress to the extent that congress, under the constitution, is required to exercise a legislation over Indian affairs."

The treaty with the Choctaw and Chickasaw Nations in 1855 stipulates: "So far as may be compatible with the constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits; * * * and all persons not being citizens or members of either the Choctaw or Chickasaw tribe, found within their limits, shall be considered intruders, and removed from and kept out of the same."

And by the tenth article of the treaty with the Choctaws and Chickasaws, ratified on the 10th day of July, 1866, "the United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion and in force at that time, not inconsistent" with that treaty, as also by article forty-five, "all the rights, privileges and immunities theretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation theretofore made and had in connection with them, were declared to be in full force so far as they were consistent with the provisions of that treaty."

To the Creeks and Seminoles not less explicit are the guarantees. In 1790 the first treaty was made with the Creek Nation. It recognized their national existence, established peace, solemnly guaranteed their lands, and placed any citizen of the United States who should attempt to settle on any of them beyond the protection of the United States. Passing over numerous treaties, we find the third article of that of 1833 in these words:

"The United States will grant a patent, in fee simple, to the Creek Nation of Indians, for the lands assigned the said nation by this treaty or convention, whenever the same shall have been ratified by the president and senate of the United States, and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long as they shall exist as a nation and continue to occupy the country hereby assigned them."

The country thus guaranteed was for both the Creeks and Seminoles, and a part of which they now occupy. Letters patent were issued to the Creek Nation for their lands August 11, 1852, and are now on record in the Indian office.

The third article of the treaty of 1856 with the Creeks and Seminoles provides that "the United States do hereby solemnly agree and bind themselves that no state or territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any territory or state, nor shall either, or any part of either, ever be erected into a territory without the full and free consent of the legislative authority of the tribe owning the same."

The fifteenth article of the same treaty secures to the Creeks and Seminoles "the unrestricted right of self-government, so far as may be compatible with the constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes. It also gives them "full jurisdiction over persons and property within their respective limits, excepting only white persons and their property who are not by adoption or otherwise members of either the Creek or Seminole tribes; and all persons, not being members of either tribe, found within their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes respectively, assisted, if necessary, by the military," with but few specified exceptions.

By the first article of the treaty of 1866 the United States guarantees to the Creek Nation "the quiet possession of their country." By the third article, "the eastern half of said Creek lands being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation." By the twelfth article, "the United States reaffirms and reassumes all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July 10, 1861, not inconsistent herewith." By the tenth article the United States are prohibited from any legislation "that shall, in any manner, interfere with or annul their present tribal organization, rights, laws, privileges and customs."

The guarantees to the Seminoles are similar to those made to the Creeks, as just read.

In the execution of the provisions of the treaties of 1828, '33 and '35, letters patent to the Cherokee Nation for the lands therein referred to, and which were particularly set forth in the second and third articles of the treaty of 1835, were signed by Martin Van Buren, president of the United States, the 31st day of December, 1838, and the parchment is now on file in the executive department of the government of the Cherokee Nation. The granting clause of the patent is in these words:

"Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation, the two tracts of land so surveyed, and hereinbefore described, containing in the whole 13,374,135.14 acres, to have and to hold the same, together with all the rights, privileges and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the western prairie, referred to in the second article of the treaty of the twenty-eighth of December, one thousand, eight hundred and thirty-five, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject, also, to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved, and subject, also, to the conditions provided by the act of congress of the twenty-eighth of May, one thousand, eight hundred and thirty, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

The rights reserved by the United States referred to the establishment of agencies, military stations and post-roads. By the second article of the treaty of 1835, the United States agreed to convey to the Cherokees by *patent in fee simple* the 800,000 acres of land in Kansas, and for which the Cherokee Nation paid $500,000, and this tract and the other lands were to be embraced in one patent.

But it may be said that the condition appended to the title affects the title it conveys. In regard to that point, two remarks suggest themselves: First, that even if this be true, the title remains perfect until "the Cherokees become extinct or abandon the land;" second, that the condition was designed merely to prevent the alienation of the lands to any other party than the United States without their consent, the United States only retaining a reversionary interest.

That reversion is no more than the ordinary right of *escheat*, by which, when an individual dies without heirs or will, his lands *escheat* to the government, and does not in the least affect the title or prevent it being a *fee simple*.

The act of congress setting apart the Indian country and ceding portions of it to different Indian nations, was passed in the exercise of the authority vested in congress by article 4, section 3, of the constitution, which gives it "the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." In view of the history of the transactions under its provisions, and the intent and understanding of the parties in interest, it would be sufficient alone to convey titles of land to the Indians which congress and other departments of the government would be under every obligation of faith and fairness to respect. But the supreme court of the United States has gone even further, as I understand its opinion in the case of Holden vs. Joy, No. 360, (December term, 1871.) This opinion is worthy the attention of congress, but its length will not allow me to consume the time or weary the patience of this committee in reading more than a very few sentences from it, and which define the status and rights of the Cherokee Nation, so far as they came under review in the case. Although the neutral lands were the subject of the opinion, its meaning applies to the country retained by the Cherokee Nation, as it was included in the same patent:

"Indeed, treaties have been made by the United States with the Indian tribes ever since the Union was formed, of which numerous examples are to be found in the seventh volume of the public statutes. (Cherokee Nation vs. Georgia, 5 Pet., 17; Worcester vs. Georgia, 6 Pet., 543.)

"Indian tribes are states in a certain sense, though not foreign states, or states of the United States, within the meaning of the second section of the third article of the constitution, which extends the judicial power to controversies between two or more states, between a state and citizens of another state, between citizens of different states, and between a state or the citizens thereof and foreign states, citizens or subjects. They are not states within the meaning of any one of these clauses of the constitution; and yet, in a certain domestic sense and for certain municipal purposes, they are states, and have been uniformly so treated since the settlement of our country and throughout its history, and numerous treaties made with them recognize them as a people capable of maintaining the relations of peace and war; of being responsible, in their political character, for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community.

"Laws have been enacted by congress in the spirit of those treaties, and the acts of our government, both in the executive and legislative departments, plainly recognize such tribes or nations as states, and the courts of the United States are bound by those acts. (Doe vs. Braden, 16 How., 635; Fellows vs. Blacksmith, 19 How., 372; Garcia vs. Lee, 12 Pet., 519.)

"Express power is given to the President, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur, and inasmuch as the power is given in general terms, without any description of the objects intended to be embraced within its scope, it must be assumed that the framers of the constitution intended that it should extend to all those objects which, in the intercourse of nations, had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our government and the relation between the states and the United States. (Holmes vs. Jennison et al., 14 Pet., 569; 1 Kent's Com., 166; 2 Story on Cons., sec. 1508; 7 Hamilton's Works, 501; Duer's Jurisp., 229.)

"Beyond doubt the Cherokees were the owners and occupants of the territory where they resided before the first approach of civilized man to the Western continent, deriving their title, as they claimed, from the Great Spirit, to whom the whole earth belongs, and they were unquestionably the sole and exclusive masters of the territory, and claimed the right to govern themselves by their own laws, usages and customs.

"Throughout, the Indians, as tribes or nations, have been considered as distinct, independent communities, retaining their original, natural rights as the undisputed possessors of the soil, from time immemorial, subject to the conditions imposed by the discoverers of the continent, which excluded them from intercourse with any other government than that of the first discoverer of the particular section claimed. They could sell to the government of the discoverer, but they could not sell to any other governments or their subjects, as the government of the discoverer acquired, by virtue of their discovery, the exclusive pre-emption right to purchase and the right to exclude the subjects of all other governments, and even their own, from acquiring title to the lands.

"Enough has already been remarked to show that the lands conveyed to the United States by the treaty, were held by the Cherokees under their original title, acquired by immemorial possession, commencing ages before the New World was known to civilized man. Unmistakably their title was absolute, subject only to the pre-emption right of purchase acquired by the United States as the successors of Great Britain, and the right also, on their part, as such successors of the discoverer, to prohibit the sale of the lands to any other governments or their subjects, and to exclude all other governments from any interference in their affairs. (Mitchel et al. vs. United States, 9 Pet., 748.)

"Evidently, therefore, the Cherokees were competent to make the sale to the United States, and to purchase the lands agreed to be conveyed to them by the second article of the treaty. Both parties concede that the title of the United States to the tract known as the Cherokee neutral lands was perfect and complete, and that the tract includes the land in controversy.

"Title to that tract was acquired by the United States as a part of the Louisiana purchase from the French Republic. By the treaty between the United States and the French Republic of April 30, 1803, the chief executive officer of that republic ceded the said territory to the United States, with all its rights and appurtenances, forever. (8 Stat. at Large, 200.)

"When the President took possession of the territory the absolute fee simple title and right of sovereignty and jurisdiction became vested in the United States as the successor of the original discoverer, subject only to the Indian title and right of occupancy as universally acknowledged by all the departments of our government throughout our history. All agree that this land then, and for many years thereafter, was occupied by the Osage Indians. On the 2nd of June, 1825, the Osage tribes, by the treaty of that date, ceded to the United States all their right, title, interest and claims to the lands lying * * * west of the state of Missouri, with such reservations and for such considerations as are therein specified, which, it is conceded, extinguished forever the title of the Osage Indians to the neutral lands. (7 Stat. at Large, 240.)

"Prior to the treaty of the 8th of July, 1817, the Cherokees resided east of the river Mississippi. Pursuant to that treaty they were divided into two parties, one electing to remain east of the Mississippi and the other electing to emigrate and settle west of it, and it appears that the latter made choice of the country on the Arkansas and White rivers, and that they settled there upon the lands of the United States described in the treaty. (7 Stat. at Large, 157.)

"Possessed as the United States were of the fee simple title to the neutral lands, discharged of the right of occupancy by the Osage Indians, it was clearly competent for the proper authorities of the United States to convey the same to the Cherokee Nation. Subsequent acts of the United States show that the stipulations, covenants and agreements of the treaty in question were regarded by all the departments of the government as creating binding obligations, as fully appears from the fact that they all concurred in carrying the provisions into full effect. (Minis vs. United States, 15 Pet., 448; Porterfield vs. Clark, 2 How., 76.)

"Appropriations were made for surveys, and surveys were ordered and plats were made, and on the 1st of December, 1838, a patent for the land promised was issued by the President, in full execution of the second and third articles of the treaty. Among other things it is recited in the patent that it is issued in execution of the agreements and stipulations contained in the said several treaties, and that the United States do give and grant unto the Cherokee Nation the two described tracts of land, as surveyed, containing the whole quantity therein mentioned, to have and to hold the same, together with all the rights, privileges and appurtenances thereto belonging, to the said Cherokee Nation forever, subject to certain conditions therein specified, of which the last one is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the premises.

"Objection is made by the appellant that the treaty was inoperative to convey the neutral lands to the Cherokee Nation, which may well be admitted, as none of its provisions purport, *proprio vigore*, to make any such conveyance. Nothing of the kind is pretended, but the stipulation of the second article of the treaty is that the United States covenant and agree to convey to the said Indians and their descendants, by patent in fee simple, the described additional tract, meaning the tract known as the neutral lands; and the third article of the treaty stipulates that the lands ceded by the treaty, as well as those ceded by a prior treaty, shall all be included in one patent, to be executed to the Cherokee Nation of Indians by the President, according to the provisions of the before-mentioned act of congress. (Gaines vs. Nicholson, 9 How., 356; Insurance Company vs Canter, 1 Pet., 542.)

"Suppose that is so, still it is insisted that the President and senate, in concluding such a treaty, could not lawfully covenant that a patent should issue to convey lands which belonged to the United States without the consent of congress, which cannot be admitted. (United States vs. Brooks, 10 How., 442; Meigs vs. McClung, 9 Cran., 11.)

"On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of congress conferring it, and that congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political. (Wilson vs. Wall, 6 Wall., 89; Insurance Co. vs. Canter, 1 Pet., 542; Doe vs. Wilson, 23 How., 461; Mitchel et al. vs. United States, 9 Pet., 949; United States vs. Brooks et. al., 10 How., 460; the Kansas Indians, 5 Wall., 737; 2 Story on Const., sec. 1508; Foster et al. vs. Neilson, 2 Pet., 254; Crews et al. vs. Burcham, 1 Black, 356; Worcester vs. Georgia, 6 Pet., 562; Blair vs. Pathkiller, 2 Yerger, 439; Harris vs. Burdett, 4 Blackf., 369.)

"Much reason exists, in view of those authorities and others which might be referred to, for holding that the objection of the appellant is not well founded, but it is not necessary to decide the question in this case, as the treaty in question has been carried into effect and its provisions have been repeatedly recognized by congress as valid. (Insurance Co. vs. Canter, 1 Pet., 511; Lawrence's Wheat., 48.)

"Congress, on the 2nd of July, 1836, appropriated $4,500,000 for the amount stipulated to be paid for the lands ceded by the Cherokees in the first article of the treaty, deducting the cost of the land to be conveyed to them west of the Mississippi under the second article of the same treaty, which is the precise amount stipulated to be paid for the concession, deducting the consideration which the Indians agreed to allow for the neutral lands. Appropriations were also made by that act to fulfill and execute the stipulations, covenants and agreements contained in the fourth, eleventh, seventeenth and eighteenth articles of the treaty, and for the removal of the Cherokees, and for surveying the lands set apart by treaty stipulations for the Cherokee Indians west of the Mississippi river. (5 Stat. at Large, 73.) * * *

"Two objections are made to the title of the appellee, as affected by that treaty, in addition to those urged to show that the prior treaty between the same parties was inoperative and invalid. It is contended by the appellant that the Cherokee possessory right to the neutral lands was extinguished by the seventeenth article of the treaty, which undoubtedly is correct, but the conclusion which he attempts to deduce from that fact cannot be sustained, that the Cherokee Nation abandoned the lands within the meaning of the last condition inserted in the patent by which they acquired the same from the United States.

"Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee simple title, and it may well be held that if that condition reduces the estate conveyed to less than a fee, it is void; but it is not necessary to decide that point, as it is clear that if it is valid, it is a condition subsequent, which no one but the grantor in this case can set up under any circumstances. (4 Kent Com., 127-130; Cooper vs. Roberts, 18 How., 181; Keneeth vs. Plummer, 28 Mo., 145.)"

This decision is important not only in what I conceive to be its full establishment as a fee simple, as the title by which the Cherokees hold their lands, and deductively also the Choctaws, Chickasaws, Creeks and Seminoles, and perhaps every other tribe legally resident in the Indian Territory, especially those acquiring title from the Cherokee Nation under the provisions of the sixteenth article of the treaty of the 19th of July, 1866, between the United States and the Cherokee Nation, (for there is a positive provision that "it shall be conveyed to them in *fee simple*, to be held in common or in severalty, as the United States may decide;") but also that it fully recognizes these Indian communities as of capacity to negotiate treaties, which have the same force and sanctity as other treaties lawfully made. This fact was admitted, and, if I may so express it, enacted by congress in the Indian appropriation act, approved March 3, 1871, when it "*provided that nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any Indian tribe.*" All the treaties with these nations here represented, and which are found in your statute books, covering a period from 1785, under the confederation, down to 1868 under the constitution, and numbering twenty-one with the Cherokee Nation alone, are thus fully recognized by the lawmaking departments of the government.

I have been thus full, and perhaps wearisome, in order to show that grave questions of law, right and principle are involved in the subject now before you, and that no inconsiderate or unauthorized legislation should be allowed to emanate from your committee to weaken the faith or tarnish the fame of your government.

But it has been said that the treaties of 1866 authorize the passage of a territorial bill for the Indian country. This I deny; and affirm that their provisions were intended to preclude the exercise of such legislation by congress. The creation of the general council of the territory by those treaties was to provide the only government then contemplated. Even the oft-quoted treaty of the Choctaws and Chickasaws, who appeared as a sheep before the shearers, after the close of the war, in which they became involved, as did other tribes, because of weakness and the failure of the government to extend the protection promised and due them, does not authorize or contemplate the legislation here proposed, or sanction any interference by congress in extending over them a territorial government of the United States. But if it did, the bill under consideration does not conform to it, nor has it any binding force upon other tribes not parties to it, and is no sufficient authority or pretext for congress to supplant by its use the provisions of other treaties of equal sanctity. The Muskogees, Cherokees and Seminoles made treaties the same year as separate and independent communities. As such they exist—as such they should be respected. Their treaties are equally the law of the land, and are entitled to equal consideration.

These treaties of 1866 fix the form of government for the Indian Territory and define its character. The manner of enlarging its powers, as defined by the Cherokee treaty, is vested, not in congress, but in the president of the United States and the national councils of the parties consenting to the establishment of the general council. That is the government ordained by the treaties of 1866, and was all required by the government of the United States at the close of the war, when these Indian communities were in such condition that they were almost literally forced to acquiesce in whatever terms the government saw proper to exact. I therefore take the broad ground that congress has no moral or legal right to legislate upon the question "without the consent of the Indians."

And who are the persons to be affected by your legislation, and whom it is proposed to include in one government? Why, not less than 70,000 persons, mostly Indians, divided among thirty nations and tribes, with different languages, laws, customs and interests. Men whose rights are as sacred in the eyes of law and honesty as the rights of any other men, whatever may be their complexion; men as devoted to their homes as any on the face of the earth; men who are now at peace among themselves; who live on their own resources; who are giving you no trouble or cause for anxiety; who protest against any interference with their rights, and only desire to be allowed to enjoy their homes in peace and quiet; and men who either themselves or whose immediate forefathers were forced from their homes elsewhere under the pledges of this government that they should not be again troubled in future.

What are the influences at work to encompass the legislation for overrunning that country? They are altogether outside of the territory. So far as my knowledge extends, no person identified by residence with its people has asked for the legislation proposed. On the contrary, you have the earnest protests of the national councils of all the principal civilized nations and of the general council of the territory against it, time and again repeated. Then, whence comes this annual visitation of these territorial schemes, threatening the stability, jeopardizing the rights, disturbing the quiet, retarding the progress and endangering the peace of that country? Why, gentlemen, look at the charters of the railroads passed in 1866, which make grants of land, contingent upon the extinguishment of the Indian title, to more than 20,000,000 acres in that territory alone, and you will see the coveted prize.

On this subject the commissioner of Indian affairs, speaking of the roads through the Indian Territory, and of the Missouri, Kansas and Texas, and the Atlantic and Pacific roads, said in his report of 1872:

"In addition to the inevitable influx and congregation of desperadoes and outlaws at the successive termini of these two roads through the Indian country and at all principal points along their completed routes, (in which respect the history of the progress of the Union and the Central Pacific is only repeated), the result of their construction has been to attract new attention to the Indian Territory; and not only has it required persistent action on the part of this department to prevent the reservations of the several tribes from being lawlessly overrun by trespassers from the adjoining states, but it has been felt to be the duty of the commissioner to take a position strongly, promptly and aggressively against the propositions made, and, seeking the aid of congress for their consummation, to break down the barriers raised in solemn treaties, and to open up this last home of the Indian to indiscriminate white settlement. In this position it is my sincere hope that the incumbent of this office may ever stand, until it shall be shown that the treaties with these tribes have heretofore been wrongly read, or that national honor and conscience do not require faith to be kept with the feeble and the defenceless."

Look, also, at the prevalent sentiment among thousands of people who are ever eager to squat down upon Indian lands, and the number of aspiring men who are already looking forward to place and power in anticipation of your actiòn, and then need you wonder at the costly excursions given to congressmen, legislators and capitalists by the railroads passing through it; to the resolutions of boards of trade and chambers of commerce; to the greedy avidity with which a part of the border press and the telegraph are used to chronicle and distort every unfavorable or unlawful act that occurs or is provoked in that country, and the extraordinary efforts put forth to direct public attention towards it and fix upon it the gaze of cupidity. And what are the interests to be affected by these measures? Why, they contemplate a thorough revolution in the policy of the government toward the Indians, and in the condition of the people, their money and their lands; a change in all their internal and external relations. They mean the breaking down of the tribal institutions, rights and distinctions that exist there;

the division of their lands; the seizure of political power and control, the distribution of their funds, and the ultimate subjugation or expulsion of the present population. And what is that population? Why, chiefly Indians, who own their own tracts of land, and have their own laws and customs, their independent relations with the government, their own degrees of civilization, and their own peculiar languages. You have there the so-called civilized tribes, the semi-civilized, and the untutored; the Cherokees and others pushed from Georgia, the Delawares from Pennsylvania, the Senecas from New York, the Sacs and Foxes from the Northwest, the Caddos from Louisiana, and the Modocs from the lava beds of Oregon. And what is the condition of this population? Heterogeneous as a whole, but separate and distinct in their respective relations and habitations.

From the report of the board of Indian commissioners for 1872 I extract the following statistics respecting the Indian Territory, as bearing directly on this point:

## COMPARATIVE STATISTICS OF THE TERRITORIES.

| TERRITORIES. | Total population. | Area in acres. | Number of farms. | Acres of improved land in farms. | Bushels of wheat, corn, oats, etc. | Value of farm produce, including increase in stock. | Number of horses, cattle, etc. | Value of horses, cattle, etc. | Number of public schools. | Number of scholars. | Amount expended on schools. | Valuation of real and personal property. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arizona ...... | 9,658 | 72,406,240 | 172 | 14,585 | 118,203 | $ 277,998 | 7,891 | $ 143,996 | .... | 262 | $ 5,529 00 | $ 3,440,791 |
| Colorado ...... | 39,864 | 68,880,100 | 1,738 | 94,594 | 1,002,273 | 2,335,106 | 206,792 | 2,871,102 | 135 | 5,345 | 98,105 00 | 20,343,308 |
| Dakota ...... | 14,181 | 96,596,128 | 1,720 | 42,645 | 478,159 | 495,697 | 14,140 | 779,952 | .... | 1,144 | 12,918 71 | 5,599,702 |
| Idaho ...... | 14,999 | 55,228,160 | 414 | 26,603 | 320,735 | 637,797 | 6,316 | 520,580 | 19 | 427 | .......... | 6,552,681 |
| Montana ...... | 20,595 | 92,016,640 | 851 | 84,674 | 512,647 | 1,676,660 | 47,125 | 1,818,698 | .... | ...... | .......... | 15,184,522 |
| New Mexico... | 91,874 | 77,568,640 | 4,480 | 143,007 | 1,097,191 | 1,905,060 | 699,418 | 2,389,157 | None | None | Nothing | 31,349,793 |
| Utah ...... | 86,786 | 54,065,043 | 4,908 | 118,775 | 1,108,396 | 1,978,142 | 118,949 | 2,149,814 | 277 | 15,924 | .......... | 16,159,995 |
| Washington ... | 23,955 | 44,796,160 | 3,127 | 192,016 | 851,483 | 2,111,902 | 120,990 | 2,103,343 | 157 | 3,820 | 28,088 00 | 13,562,164 |
| Wyoming ...... | 9,118 | 62,645,068 | 175 | 338 | 721 | 42,760 | 18,552 | 441,795 | .... | ...... | .......... | 7,016,748 |
| Indian ...... | 68,505 | 44,154,240 | ..... | 204,677 | 6,789,355 | 4,663,610 | 464,465 | 4,947,101 | 164 | 5,098 | 127,408 92 | * 16,987,818 |

*Valuation of real estate, which is held in common, and of stocks, amounting to $4,342,707 88⅔, are not included.
NOTE.—In the populations of the territories, except Indian Territory, the Indian population is excluded.

It will be seen from comparison that the Indian Territory, in population, number of acres cultivated, products, wealth, valuation and school statistics, is equal to any organized territory of the United States, and far ahead of most of them. It has a smaller area than any other, and a larger population than any excepting Utah and New Mexico. It has more acres of land under cultivation than Washington Territory, over one-third more than Utah, and more than twice as many as Colorado or Montana; and the number of bushels of wheat, corn and other products raised in the Indian Territory is more than six times greater than either Utah, New Mexico or Colorado.

Although any addition to the force of these facts will seem needless, it is but just to remark that the civilized Indians of the Territory had their lands devastated and their industries paralyzed during the war of the rebellion, in the same relative proportion as other parts of the South, and have not fully recovered from the effects; and that the reports of this year show an additional marked increase in population, acres of land cultivated, productions and wealth.

The partially civilized tribes, numbering about 50,000 souls, have, in proportion to population, more schools and with a larger average attendance; more churches, church members, and ministers; and spend far more of their own money for education than the people of any territory of the United States. Life and property are more safe among them, and there are fewer violations of law than in the territories.

The Creeks, numbering about 15,000, have three missions and 2,050 church members, and an average Sunday school attendance of 464. They have one boarding school and thirty-one day schools, attended by 860 pupils, at a cost of $14,258 for the past year.

The Choctaws and Chickasaws, numbering 20,000, have three missions and 2,500 church members. They have two boarding schools and forty-eight neighborhood schools. Thirty-six of these are sustained by the Choctaws at a cost of $36,500; fourteen by the Chickasaws, at a cost of $33,000 last year.

The Cherokees have a population of 17,000 souls. They have sixty-five schools, one female high school, one orphan school with about ninety children in attendance, and one Moravian missionary school. The number of children in attendance, about 2,000. These schools include five for colored persons. All these schools are supported by themselves from the interest of their investments in state stocks and United States bonds. There are over 2,000 members of evangelical churches in this nation.

The following statement of the funds held in trust by the United States for the tribes in the Indian Territory will show that they are not paupers, dependent upon your charity for subsistence, but are self-supporting under their respective organized governments. The aggregate amount of these trust funds, it will be seen, exceeds the sum of eight million dollars:

RECAPITULATION.

| | | |
|---|---|---|
| **Cherokee National Fund** | **$ 943,550** | **86** |
| **Cherokee School Fund** | **520,134** | **64** |
| **Cherokee Orphan Fund** | **248,600** | **51** |
| **Cherokee Asylum Fund** | **67,675** | **27** |
| **Chickasaw National Fund** | **1,261,996** | **73⅔** |
| **Chickasaw Incompetent Fund** | **2,000** | **00** |
| **Choctaw General Fund** | **453,781** | **90** |
| **Choctaw School Fund** | **50,355** | **20** |
| **Creek Orphan Fund** | **77,015** | **25** |
| **Delaware General Fund** | **435,283** | **90** |
| **Delaware School Fund** | **11,000** | **00** |
| **Kansas School Fund** | **27,267** | **31** |
| **Kaskaskias, Peorias, &c., Fund** | **90,047** | **92** |
| **Kaskaskias, Peorias, &c., School Fund** | **44,700** | **00** |
| **Osage School Fund** | **40,236** | **63** |
| **Sacs and Foxes of Mississippi** | **55,105** | **41** |
| **Senecas Fund** | **40,944** | **37** |
| **Senecas and Shawnee Fund** | **15,439** | **39** |
| **Shawnee Fund** | **16,492** | **69** |
| | **$4,391,627** | **98⅔** |
| **Abstracted bonds, (Cherokee Nat'l and School Funds)** | **83,000** | **00** |
| | **$4,474,627** | **98⅔** |

Statement of Funds held in trust by the Government in lieu of investments for Indian tribes located in the Indian Territory, and which bear interest at 5 per cent:

| Tribes. | Am't in U. S. Treasury |
|---|---|
| **Choctaws** | $390,257 92 |
| **Creeks** | 200,000 00<br>675,168 00 |
| **Delawares** | 3,795 25 |
| **Kansas** | 200,000 00 |
| **Miamies of Kansas** | 50,000 00 |
| **Osages** | 69,120 00<br>300,000 00 |
| **Sacs and Foxes of Mississippi** | 200,000 00<br>800,000 00 |
| **Seminoles** | 500,000 00<br>70,000 00 |
| **Shawnees** | ——— |
| **Delawares** | 423,990 26 |
| **Kaskaskias, Peorias, Weas and Piankeshaws** | 44,583 27 |
| | $3,960,214 70 |

But there are murders and outrages committed in that territory! Alas! there are. Such are the passions and violence of men, the infirmities of poor human nature, that crime and inhumanity and perversity crop out there as elsewhere. And yet even those who most loudly wail over these things in the Indian country are most familiar with them at home. Kansas, on our border, has its Benders, its mobs and its shootings along the line of its railroads and border towns. Arkansas offers rewards, it is stated in the issue of a single paper, for fourteen murderers, to say nothing of the proceedings of white and colored mobs and individual acts of violence which occur in her swamps and mountains. In Missouri, the knights of the road, in broad daylight, cause the gatekeepers of city fairs to stand and deliver; mobs stop railway trains, plunder or murder their passengers, or shoot down the officers of the law, in order to hang men who have been consigned to imprisonment. But more than this: here, in full view of the congress, which convenes in this, the most magnificent building of the world, not only are murders frequently committed, but the utterance of the noble motto emblazoned on the shield of one of the proudest states in the Union, the "*sic semper tyrannis*" of Virginia, has been sealed to the lips of exulting patriotism by its association with the foulest deed of assassination recorded on the page of time. And yet where is the man so weak of intellect, or so devoid of truth, or so insensible to manliness and justice as would visit with indignity, with calumny, with violence, the virtuous, the intelligent, the honest, the law-abiding, the patriotic multitudes in the fair communities, or towns, or states in which these things occur? Much as there may have been of crime in that country, deeply as it may be deplored, I assert that, in view of the surroundings of the case, of the agitations allowed to be kept up *here* by unauthorized persons, by the fomenters of mischief in their midst, there is no undue proportion of unpunished crime.

If the laws of the United States do not cover and adequately punish offences committed there against your own people, why does not congress amend them and establish courts in such a manner and with such jurisdiction as will remedy the evils that may exist? Congress has the authority to do it, and Indians should not be held responsible for any acts placed beyond their jurisdiction. But I appeal to experience to show that these charges of lawlessness are exaggerated. There is no obstruction to travel, whether on foot, by horse-back, by wagon or by rail. No injury, so far as I am advised, has been done at any time to the railroad track; no bridge burnt, no cars wrecked, no passengers injured or molested, no telegraph wire ever cut or destroyed. These facts speak for themselves, and show that the complaints that the country stands in the way of progress and is the abode and harbor of crime and criminals, are unfounded, and that the people who belong to it are engaged in the quiet pursuits of rural life; that they are at peace among themselves and with the whites who surround them or pass by thousands through their country. Let me entreat you, gentlemen, to foster, but not destroy that state of things.

But you are told that the freedmen in that country, to the number of 15,000, are in a most deplorable state—houseless, homeless, friendless, despised and rejected, and send up to these halls a loud cry for help. This is a new chord to the territorial harp of a thousand strings.

Now, let us seek the truth in respect to this people and their condition in the Indian country. From the best information I have been able to obtain there are not exceeding 7,000 freedmen in the whole country, and the estimate of 3,000 of these as among the Choctaws and Chickasaws is believed to be too large. And what is their status? The Choctaw and Chickasaw, Cherokee, Creek and Seminole treaties of 1866 all contain the familiar prohibition that neither slavery nor involuntary servitude shall ever exist among them otherwise than in the punishment of crime, whereof the parties have been duly convicted in accordance with laws applicable to all the members of the tribe alike.

The Cherokee Nation, by an act of their national council, abolished slavery February, 1863. By the treaty of 1866 all freed persons who were former slaves to the Cherokees, and all free negroes residing in the nation at the beginning of the war, and who should return to the nation within six months from the date of the treaty, and their descendants, have all the rights of native Cherokees.

By the third article of the treaty of Washington with the Choctaws and Chickasaws, it is provided that they will:

"Give to all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, ——, and their descendants, heretofore held in slavery among said nations, all the rights, privileges and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys and public domain claimed by or belonging to said nations respectively; and also to give to such persons, who were residents as aforesaid, and their descendants, forty acres each of the lands of said nations, on the same terms as the Choctaws and Chickasaws."

And by the fourth article of this same treaty it is provided that:

"The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration or reasonable and equitable contracts for their labor, which the law should enable them to enforce. And they agree on the part of their respective nations, that all laws shall be equal in their operations upon Choctaws, Cnickasaws and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness, and be protected from injury."

It also provides that said freedmen shall have privileges of farming while they remain among the tribes, and to an equal distributive share of $300,000, set apart especially for the freedmen by the Choctaws and Chickasaws. See Report on Indian Frauds, by General Shanks, (42 Cong., No. 98.)

By article two of the treaty of Washington of the 14th June 1866, with the Creeks, it is provided:

"Inasmuch as there are among the Creeks many persons of African descent who have no interest in the soil, it is stipulated, that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants, and such others of the same race as may be permitted by the laws of said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens, [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatever race or color, who may be adopted as citizens or members of said tribe."

By the second article of the treaty of Washington, of March 21, 1866, with the Seminoles, it is agreed that:

"Inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, it is stipulated that hereafter these persons and their descendants, and such others of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe."

From these provisions of the treaties it will be evident that the leading tribes of the Indian Territory, and which are the only ones within its limits who held slaves at the beginning of the war, have dealt with them in the main in a just and liberal manner. The Cherokees and Creeks and Seminoles have been munificent toward them, placing them upon an equal footing with native citizens, and this signifies equal rights under their laws in political franchises, in lands and moneys. Among these three tribes there are more than 3,000 colored people thus situated to-day, and who are as a class orderly, law-abiding, industrious and prosperous. Besides these, there are probably something over 1,000 more who are there by sufferance, and enjoy no rights of citizenship, simply because the law debars them. They are citizens of the United States, and have no legal claim to be admitted to share in the lands, money and privileges of the country in which they are found. The treaties place them on the same footing with other citizens of the United States, and whatever may be our sympathies in the case, and I have shown mine so far as those among the Cherokees are concerned, they have no legal right there. And the government cannot more fairly force their admission to a participation in the property of the people of that country than in that of the people of Minnesota or New York.

It is said by the advocates of these measures that the Indian country stands as a barrier in the highway of progress and development; that enterprise is checked and thousands of acres of land are sealed to the industrious and landless. This is not the case. The treaties before referred to *grant*—yes, *grant*—the right-of-way to railroads running east and west and north and south across their domain. One of these roads has been completed, and the other partially so. These enterprises were undertaken with full knowledge of the condition of the country and the policy of its people, and of the government toward it; and if their projectors have reckoned erroneously, it is their fault, and the Indians should not be despoiled for their benefit.

Besides these roads, there are numerous highways and cattle *routes* travelled annually by thousands of travellers, emigrants and drovers, with their families and herds. So far as the question of land is concerned, I remark that I have shown that it belongs to the Indians; that the portion of it unoccupied at present is set apart for the settlement of other Indians, who are to be brought into the territory. Provision has been made for their reception, and there is no opposition to their admission. If this were not so, you have untold millions of acres of your own domain beyond their limits to provide homesteads for your own people. Neither intercourse, commercial facilities, nor the wants of your population require the opening of that country.

Again, it is alleged that the Indians do not improve. The reverse is the fact. They are progressive, rapidly progressive and self-sustaining, as shown by the statistics read. They are expending largely of their own means for the education of their children in the English language. But thousands upon thousands of both adults and children are wholly ignorant, not only of your books and laws, but of your language and of the languages spoken by each other. There is not one of even the civilized nations that does not require the use of interpreters in the transaction of business in their legislative proceedings. And does not this fact alone show that the question of consolidating wisely and harmoniously such communities is a work of great delicacy? Do these proposed territorial measures possess such magic power that all these incongruities shall vanish as the mists of the morning before the rising sun? Are they so efficacious as to cause all these diverse conditions, rights, interests and aspirations to coalesce and flow together in one stream of unity and good feeling? Do not be deceived. The complete consolidation of these Indians is a work which will require time, patience, labor and encouragement and it must be begun by building up and not tearing down, and be carried on in consonance, to some extent at least, with not only their rights but even their prejudices.

In regard to the bill now under consideration, I object to it because I am opposed to any such measure, as unauthorized by treaty, not warranted by the condition of the Indian country, uncalled for by the people to be affected by it, and as inaugurating a system of legislation here which, once begun, will not stop short of the utter disruption of the Indian people, whose only hope lies in quiet protection and fostering care; because it singles out the provisions of the most unfavorable, and to the other Indians the most objectional, treaty of 1866 as the nominal basis upon which to found provisions objectional to the other nations to be affected by it, and not in accordance with the guarantees made them in equal good faith and of equal sanctity. As evidence of this, I refer to section 3, where it deprives any tribe of representation in the assembly whose population does not exceed five-hundred; to section 5, which empowers the assembly to legislate for the construction of works of internal improvement. I need not tell you of the legislative power of that territory, organized upon the basis of this bill, will be the absorbing power of the territory, and the interests of works of internal improvement the directing and controlling influence of that power. The lands of the Cherokees are their own. Their treaty does not confer this grant of power over their domain upon any authority beyond themselves, and they will not consent to place these important interests in the hands of strangers and aliens—into a common pool, where the shrewdest and most daring adventurer will grasp the prize.

The *proviso* to the 9th section discriminates against all Indians in the territory besides the Choctaw, Chickasaw, Creek, Seminole and Cherokee nations, and makes no provision for the protection of their tribal organizations, legislatures, rights, laws, privileges and customs, while the provisions of the treaties of 1866, upon which this bill is professedly based, place all tribes consenting to the establishment of the general council of the Indian Territory, upon an equal footing in respect to such subjects.

Section 11 makes the "superintendent of Indian affairs the executive of the said territory, with the title of the governor of the territory of Oklahoma." That provision is peculiar to the Choctaw and Chickasaw treaty. Not only the position and title of his executive office, but even the name it assumes to give to the country is unknown to the other nations and tribes of the Indian country, and involves a position, the governorship of the territory, in regard to which they are most sensitive, because it is second in importance to no other office in the territory.

Section 12 to the Indians is a nut without a kernel, while section 13 is the Trojan horse. Indian suffrage is at the first election placed upon the "adoption of the customs of civilized life;" that of citizens of the Unided States upon legal residence. Upon what customs and upon what lawful residence? and who are to determine these questions? What are the customs of civilized life and how many of them must an Indian have to be allowed the right to vote in his own country, or to be deprived of that right? The customs of civilized life, as we know it, are both numerous and somewhat mixed; and who are to determine the degree of advancement in these things, the exact standard of excellence or proficiency in these customs necessary for the exercise of this important right?

Adopt this provision if you think best, but let me suggest that you create at the same time a new board of civil service to settle these questions, and allow the candidates for the exercise of the right time to prepare for their examination. This provision is unjust to the people of that country, and if by the passage of this bill you make them citizens of the United States it is unconstitutional. It will debar thousands of the people of that territory, while every trader, every government official, every railroad employe, every laborer, every soldier in it, under the sanction of the law, will be allowed to vote. Even more than this: the *proviso* blots out every distinction of color as to rights in the territory and destroys every safeguard seemingly thrown around the Indians, for, if not so intended, it will overflow the country with white and colored voters. Section 15 is contrary to the twenty-second article of the Cherokee treaty of 1866, which vests the question of surveying and allotting their lands exclusively in the will of their national council.

But, gentlemen, I weary you. In conclusion, let me say that the line of wisdom in this, as in every other case, is the line of justice. Keep your faith. But few Indians are left. Those in the Indian Territory are quiet, peaceable, progressive and friendly. They ask simply your protection. You have promised it—extend it; and thus, instead of their extermination in the course of a few years, they may be imperceptibly mingled in blood, sentiment, intelligence and high aspirations with your own descendants.

# PROTEST OF THE INDIAN DELEGATES

## AGAINST THE BILL TO ESTABLISH THE TERRITORY OF OKLAHOMA.

*To the Congress of the United States:*

The undersigned delegates, representing their respective nations of the Indian Territory, would respectfully beg leave to call the attention of your honorable body to the interests of their people, which, under the most solemn treaty obligations, have been placed under the care of your government for protection. On the 10th ultimo we had the honor of submitting to congress a protest against the bill (H. R. No. 2635) pending in the house of representatives, reported by Mr. Parker, of Missouri, from the committee on territories, on the 2nd of last May. Our attention has since been attracted by two additional bills, proposing to territorialize our country without the consent of our people—one introduced into the house by Mr. Parker (No. 3086) on the 9th ultimo, and the other into the senate by Mr. Pomeroy, of Kansas, on the 13th (No. 1244.) We have endeavored to examine this proposed legislation with impartial justice to all concerned, and we are confident that we have done so; and without meaning any disrespect to the government, we affirm that all of these territorial projects are like most of the others that have for the last several years been defeated in congress, and if their subject-matter becomes a law of the United States, the inevitable result will be the destruction of the existing Indian policy of the government, of our Indian nationalities, and finally, of the Indians themselves, with an absorption to the government and its citizens of all the lands, mines and other property of the Indians. That we are justified in this conviction we need only refer you to the reports from the committee on territories accompanying said bill No. 2635, and to the bills themselves. These reports are meant, of course, as exponents of this territorial agitation, and show the most charitable view of the subject taken by those who are pushing it forward. The majority report says, after expressing the belief that the bill under consideration will change the existing Indian policy of the government: "That there is a necessity for that change no one can doubt. * * * The object proposed by this substitute reported by the committee is to provide a limited territory, of reasonable extent, within which all the Indian tribes *which now stand in the way of civilization* of the country can be gathered. * * * The government heretofore has always endeavored to keep the Indians and the whites which surround them *separate*. The question, at this time, may be pertinently asked if this policy can be continued. It is hopeless to expect that civilization and all its attendant blessings and benefits will stop on the borders of a barrier so fragile and so opposed to the progress of the times and the demands of the age. It is a conclusion already demonstrated that, whether *right or wrong*, these Indian lands will become the abode of civilization. Over all these lands, wholly indifferent to the rights of the Indians—some attracted by the allurements of soil and climate, some by a restless spirit of adventure, some by a feverish spirit of speculation—will very soon spread a hardy, daring and determined pioneer population. * * * It is a foregone conclusion that the better security of the Indians and the safety of the whites demand some other *system* of government for that territory than the one now in existence there. We believe that the remedy is afforded by the substitute as reported by the committee. This bill will have the effect of raising them (the Indians) to the dignity of American citizenship, and thus put into their own hands weapons (in the shape of ballots) for their own protection *more potent than all the treaties* which have ever been made with them." From these quotations from the majority report it is manifestly clear that our ideas are amply supported; that the purpose of the legislation under consideration is to set aside the present Indian policy; to supplant our local Indian governments with a general one of the United States, subject only to the control of congress, and to abolish our treaties and to make the people citizens of the United States and settle among them the whites. If any further proof is necessary, we respectfully invite your attention to the following extract from the minority report from the committee on territories, submitted by Mr. McKee, of Mississippi. Referring to the subject under consideration, that report states:

"These, and similar treaties of like import, are in force and binding to-day. If there is any binding force in solemn guarantee and written covenant, in plighted faith and national honor, then we cannot, must not, establish this territory. But the force of these treaties is attempted to be broken by the assertion that the treaties of 1866 provide for a certain kind of territorial government. They do nothing of the kind. They do provide that the Indians may hold an international council or confederation of the tribes, carefully preserving their tribal relations. And all this has been done for four years. The council meets annually. It was established by the executive department, and has been indorsed by congress every year since by annual appropriations to pay its expenses. The treaties themselves are the organic act of this council.

"The proposed legislation is neither wise or expedient, because it proposes to blend, against their will, twenty tribes, with different laws, languages, customs and interests, into one heterogeneous mass, bound together only by the arbitrary will of congress.

"The Indians do not desire it—they know their own interests. They are not wild, untutored savages. The five large tribes are well advanced in civilization. They have their laws and constitutions, courts and sheriffs, judges and jurors, schools and churches, bibles and newspapers. Under their present form and system of government they are rapidly increasing in wealth, population and civilization, and this can be said of no other Indians, and no other system of Indian government. All over this broad continent the history of the Indian for two centuries is a history of barbarism and rapid decay, with this one exception. And we are asked now to strike down the last and only hope for the Indian on this continent—not for the good of the Indians, but for the interest of the whites. Is not this country broad enough for all? Does not the "boundless West" still invite the emigrant? And the Middle States are not even yet half filled. Is the Indian to have no resting place for his weary feet? Must he be pushed to hurried destruction?

"The real root of this movement springs from the fact that congress, in an unwise moment, granted many millions of acres belonging to these Indians to railroad corporations, contingent on the extinction of the Indian title. And now these soulless corporations hover like greedy cormorants over this territory, and incite congress to remove all restraint and allow them to swoop down and swallow over 23,000,000 acres of the land of this territory, destroying alike the last hope of the Indians and the honor of the government, for if this bill is passed then the result will be, as everyone knows, that the tribes will be broken up, the railroad companies will obtain most of the valuable lands of the territory and the Indians will be crushed and overwhelmed by the tide of rude pioneer populations that will pour in upon them. And why must we do this? In order that corporations may be enriched and railroad stocks advanced in Wall street? Or is it, as has been urged, in order to 'aid the progress of civilization,' that we are called upon to break solemn compact and treaty stipulations? Surely we are not the apostles of any such civilization, which seeks progress through a breach of faith, which even barbarians abhor.

"The Indian title which these railroad companies seek to destroy is not the ordinary 'Indian title.' The five large tribes hold their lands in 'fee simple,' so expressed in their deeds. These lands were bought and paid for, or exchanged for, with the government of the United States, and they hold the same patent for their lands that any white man holds for lands he may have purchased from the United States. Their title is not a grant of undefined scope of territory. It is a deed describing the lands accurately, even to the fourteen one-hundreths part of an acre.

"It cannot be denied that this measure is only sought by those with whom the security of Indian rights and the improvement of the Indian race is but a secondary consideration, if considered at all.

"Under the circumstances, it is evident that a radical change in the political system of these Indians is not at present called for. It is certain that they, through their proper representatives, are opposed to it, and regard such measures as aggressive in their character and dangerous to their interests and prosperity. The most that a judicious policy would at present seem to indicate would be the creation of a court, such as is contemplated by their treaties, and the judicious encouragement of the present intertribal government, until it can be able to gather these conflicting elements into one homogeneous mass."

To justify the conclusion of the minority of the committee, we need only refer you to the 6th section of each bill presented by Mr. Parker and the 16th section of the bill introduced by Mr. Pomeroy.

The following is that section of Mr. Parker's bill:

"SEC. 6. That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; and said legislative assembly shall not have power to create private corporations by special acts, or to confer upon such corporations special rights, privileges or franchises by such acts; but it shall be lawful for such assembly to enact general laws under which, on equal terms, any of the citizens may, by compliance with their requirements, organize themselves into such corporations for mining, manufacturing and other industrial pursuits, or for the establishment of religious, benevolent, charitable or literary societies."

What is meant by the expression in this section, "But no law shall be passed *interfering* with the primary disposal of the soil?" The meaning is evident that the legislature of the proposed territory shall not interfere with any disposition of our soil heretofore made by congress, and the reference is clearly to the conditional land grants in our country, made to certain railroad companies, aggregating 23,000,000 acres. In accord with this idea we refer you to the expression in the section immediately following the extract above: "*Nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.*" This is plainly an admission that non-residents have lands in our country. What lands? Conditional land grants, that will *mature* under this territorial legislation. What non-residents? Railroad corporations, of course. And how many of them are there? They will probably aggregate 300 men, that if the bill passes will realize for nothing 23,000,000 acres of the finest land in America. And, as if to make the monopoly of this land-grab complete, this section provides further, that the legislature of the territory shall pass laws to establish corporations only for "mining, manufacturing and other industrial pursuits, or for the establishment of religious, benevolent, charitable or literary societies;" *excluding railroad corporations*, and thus prohibiting their creation by the territorial legislature.

We next invite attention to Mr. Pomeroy's bill of the senate. Like the others, the land feature of that bill is the most important, which is section 16, as follows:

"SEC. 16. That no disposition shall be made of the lands within this territory until individual selections, provided for by law or treaty stipulation, for all the members of the several tribes, shall have been made and approved by the secretary of the interior; and no homestead or pre-emption claimants shall be allowed, under this act, to settle and claim any portion of said territory; nor shall this act be construed to authorize the immigration and settlement into said Territory; and all questions relating to the final disposition of the land within this territory, not selected and occupied by Indians (and those entitled to select by virtue of their relations to the tribes), shall be reserved and held for the subsequent legislation by congress. And this act shall not be construed to affect in any way the title or occupancy, by the Indians, of any portion of the lands within said territory, but the title to the same, and the rights of all the parties claiming any of said lands, shall be and remain the same as though this act had not passed."

By a close inspection of this section three things will appear:

First. That the Indians and some other party are provided for in the distribution of our lands.

Second. That pre-emption claimants, or settlers so-called, are excluded from the territory.

Third. That, as between the Indians and the other claimants, congress shall settle all controversies about vacant lands.

*As to the first proposition:* That part of the section providing that no disposition shall be made of our lands until *after* individual selections are made, implies that the Indians will not get all of their lands, leaving a remainder to be made a "disposition" of to other parties than the Indians.

*As to the second proposition:* That part of the section providing that "*no homestead or pre-emption claimants shall be allowed, under this act, to settle and claim any portion of said territory; nor shall this act be construed to authorize the emigration and settlement into said territory,*" excludes, most plainly, all settlers from any part of the territory.

*As to the third proposition:* That provision of the section declaring, "*and all questions relating to the final disposition of the land within this territory, not selected and occupied by Indians (and those entitled to select, by virtue of their relations to the tribes), shall be reserved and held for the subsequent legislation of congress,*" etc., implies that the Indians and those other parties—meaning, of course, railroad companies, as the settlers are excluded—might possibly disagree as to the *ownership* of the lands left after the settlement of the Indians, in which event congress shall come in as an umpire to settle the disagreement.

It will thus be seen that this section of Mr. Pomeroy's bill gives the Indians *only a part of their own lands, and the remainder to railroad companies,* and entirely ignores the settlers. We have a perfect *fee simple* title to our lands, and we respectfully submit that congress has no more right to take them away from us than it has to dispossess every real estate holder in this city. That we do have a *fee simple* title to our lands, we respectfully refer to the late decision of your supreme court, in the case of Holden vs. Joy, which declares as follows:

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"Indeed, treaties have been made by the United States with the Indian tribes ever since the Union was formed, of which numerous examples are to be found in the seventh volume of the public statutes. (Cherokee Nation vs. Georgia, 5 Pet., 17; Worcester vs. Georgia, 6 Pet., 543.)

"Indian tribes are states in a certain sense, though not foreign states, or states of the United States, within the meaning of the second section of the third article of the constitution, which extends the judicial power to controversies between two or more states, between a state and citizens of another state, between citizens of different states, and between a state or the citizens thereof and foreign states, citizens or subjects. They are not states within the meaning of any one of these clauses of the constitution, and yet in a certain domestic sense, and for certain municipal purposes, they are states, and have been uniformly so treated since the settlement of our country and throughout its history, and numerous treaties made with them recognize them as a people capable of maintaining the relations of peace and war, of being responsible, in their political character, for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community.

"Laws have been enacted by congress in the spirit of those treaties, and the acts of our government, both in the executive and legislative departments, plainly recognize such tribes or nations as states, and the courts of the United States are bound by those acts. (Doe vs. Braden, 16 How., 635;

Fellows vs. Blacksmith, 19 How., 372; Garcia vs. Lee, 12 Pet., 519.)

"Express power is given to the President, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur, and inasmuch as the power is given in general terms, without any description of the objects intended to be embraced within its scope, it must be assumed that the framers of the constitution intended that it should extend to all those objects which in the intercourse of nations had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our government and the relation between the states and the United States. (Holmes vs. Jennison et al., 14 Pet., 569; 1 Kent's Com., 166; 2 Story on Const., sec. 1508; 7 Hamilton's Works, 501; Duer's Jurisp., 229.)

"Beyond doubt the Cherokees were the owners and occupants of the territory where they resided before the first approach of civilized man to the Western continent, deriving their title, as they claimed, from the Great Spirit, to whom the whole earth belongs, and they were unquestionably the sole and exclusive masters of the territory, and claimed the right to govern themselves by their own laws, usages and customs.

"Guided by nautical skill, enterprising navigators were conducted to the New World. They found it, says Marshall, Ch. J., in possession of a people who had made small progress in agriculture or manufactures, and whose general employment was war, hunting and fishing. Expeditions were fitted out by all the great maritime powers of the Old World, and they visited many parts of the newly discovered continent, and each made claim to such part of the country as they visited. Disputes arose and conflicts were in the prospect, which made it necessary to establish some principle which all would acknowledge and which should decide their respective rights in case of conflicting pretensions. Influenced by these considerations they agreed that discovery should determine the right; that discovery should give title to the government by whose subjects, or by whose authority, it was made, against all other governments, and that the title so acquired might be consummated by possession. (Johnson vs. McIntosh, 8 Wheat., 573.)

"As a necessary consequence the principle established gave to the nation making the discovery the sole right of acquiring the soil and of making settlements on it. Obviously this principle regulated the right conceded by discovery among the discoverers, but it could not affect the rights of those already in possession, either as aboriginal occupants or as occupants by virtue of a more ancient discovery. It gave the exclusive right to purchase, but did not found that right on a denial of the right of the possessor to sell. Colonies were planted by Great Britain, and the United States, by virtue of the revolution and the treaty of peace, succeeded to the extent therein provided to all the claims of that government, both political and territorial.

"Throughout, the Indians, as tribes or nations, have been considered as distinct, independent communities, retaining their original, natural rights as the undisputed possessors of the soil from time immemorial, subject to the conditions imposed by the discoverers of the continent, which excluded them from intercourse with any other government than that of the first discoverer of the particular section claimed. They could sell to the government of the discoverer, but they could not sell to any other governments or their subjects, as the government of the discoverer acquired, by virtue of their discovery, the exclusive pre-emption right to purchase and the right to exclude the subjects of all other governments, and even their own, from acquiring title to the lands.

"Enough has already been remarked to show that the lands conveyed to the United States by the treaty were held by the Cherokees under their original title, acquired by immemorial possession, commencing ages before the New World was known to civilized man. Unmistakably their title was absolute, subject only to the pre-emption right of purchase acquired by the United States as the successors of Great Britain, and the right also, on their part, as such successors of the discoverer, to prohibit the sale of the lands to any other governments or their subjects, and to exclude all other governments from any interference in their affairs. (Mitchel et al. vs. United States, 9 Pet., 748.

"Evidently, therefore, the Cherokees were competent to make the sale to the United States and to purchase the lands agreed to be conveyed to them by the second article of the treaty. Both parties concede that the title of the United States to the tract known as the Cherokee neutral lands was perfect and complete, and that the tract includes the land in controversy.

"Title to that tract was acquired by the United States as a part of the Louisiana purchase from the French republic. By the treaty between the United States and the French republic of April 30, 1803, the chief executive officer of that republic ceded the said territory to the United States, with all its rights and appurtenances, forever. (8 Stat. at Large, 200.)

"When the President took possession of the territory the absolute fee simple title and right of sovereignty and jurisdiction became vested in the United States as the successor of the original discoverer, subject only to the Indian title and right of occupancy, as universally acknowledged by all the departments of our government throughout our history. All agree that this land then, and for many years thereafter, was occupied by the Osage Indians. On the 2nd of June, 1825, the Osage tribes, by the treaty of that date, ceded to the United States all their right, title, interest and claims to the lands lying * * * west of the state of Missouri, with such reservations, and for such considerations, as are therein specified, which, it is conceded, extinguished forever the title of the Osage Indians to the neutral lands. (7 Stat. at Large, 240.)

"Prior to the treaty of the 8th of July, 1817, the Cherokees resided east of the river Mississippi. Pursuant to that treaty they were divided into two parties, one electing to remain east of the Mississippi, and the other electing to emigrate and settle west of it, and it appears that the latter made choice of the country on the Arkansas and White rivers, and that they settled there upon the lands of the United States described in the treaty. (7 Stat. at Large, 157.)

Possessed as the United States were of the fee-simple title to the neutral lands, discharged of the right of occupany by the Osage Indians, it was clearly competent for the proper authorities of the United States to convey the same to the Cherokee Nation. Subsequent acts of the United States show that the stipulations, covenants, and agreements of the treaty in question were regarded by all the departments of the government as creating binding obligations, as fully appears from the fact that they all concurred in carrying the provisions into full effect. (Minis v. United States, 15 Pet., 448; Porterfield v. Clark, 2 How., 76.)

Appropriations were made for surveys, and surveys were ordered and plats were made, and on the first of December, 1838, a patent for the land promised was issued by the president, in full execution of the second and third articles of the treaty. Among other things it is recited in the patent that it is issued in execution of the agreements and stipulations contained in the several said treaties, and that the United States do give and grant unto the Cherokee Nation the two described tracts of land, as surveyed, containing the whole quantity therein mentioned, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging, to the said Cherokee Nation forever, subject to certain conditions therein specified, of which the last one is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the premises.

Objection is made by the appellant that the treaty was inoperative to convey the neutral lands to the Cherokee Nation, which may well be admitted, as none of its provisions purport, *proprio vigore*, to make any such conveyance. Nothing of the kind is pretended, but the stipulation of the second article of the treaty is that the United States covenant and agree to convey to the said Indians and their descendants, by patent in fee simple, the described additional tract, meaning the tract known as the neutral lands; and the third article of the treaty stipulates that the lands ceded by the treaty, as well as those ceded by a prior treaty, shall all be included in one patent, to be executed to the Cherokee Nation of Indians by the president, according to the provisions of the before-mentioned act of congress. (Gaines v. Nicholson, 9 How., 356; Insurance Company v. Canter, 1 Pet., 542.)

Suppose that is so, still it is insisted that the president and senate, in concluding such a treaty, could not lawfully covenant that a patent should issue to convey lands which belonged to the United States without the consent of congress, which cannot be admitted. United States v. Brooks, 10 How., 442. Meigs v. McClung, 9 Cran., 11.)

On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of congress conferring it, and that congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political. Wilson v. Wall, 6 Wall, 89. Insurance Co. v. Canter, 1 Pet., 542. Doe

v. Wilson, 23 How., 461, Mitchel & al. v. United States, 9 Pet., 949. United States v. Brooks & al., 10 How., 460. The Kansas Indians, 5 Wall., 737. 2 Story on Const., sec. 1508. Foster & al. v. Neilson, 2 Pet., 254. Crews & al. v. Burcham, 1 Black, 356. Worcester v. Georgia, 6 Pet., 562. Blair v. Pathkiller, 2 Yerger, 439. Harris v. Burdett, 4 Blackf., 369.)

Much reason exists, in view of those authorities and others which might be referred to, for holding that the objection of the appellant is not well founded, but it is not necessary to decide the question in this case, as the treaty in question has been carried into effect and its provisions have been repeatedly recognized by congress as valid. (Insurance Co. v. Canter, 1 Pet., 511. Lawrence's Wheat., 48.)

Congress, on the 2nd of July, 1836, appropriated four million five hundred thousand dollars for the amount stipulated to be paid for the lands ceded by the Cherokees in the first article of the treaty, deducting the cost of the land to be conveyed to them west of the Mississippi under the second article of the same treaty, which is the precise amount stipulated to be paid for the concession, deducting the consideration which the Indians agreed to allow for the neutral lands. Appropriations were also made by that act to fulfill and execute the stipulations, covenants, and agreements contained in the fourth, eleventh, seventeenth, and eighteenth articles of the treaty, and for the removal of the Cherokees, and for surveying the lands set apart by treaty stipulations for the Cherokee Indians west of the Mississippi river. (5 Stat. at Large, 73.)

Commissioners were appointed to adjudicate the claims of individual Cherokees, as provided in the thirteenth article of the treaty, and their compensation was fixed by congress, and appropriations were made by congress for that purpose. Such a board was duly constituted, consisting of two commissioners, and it was made the duty of the attorney general, in case of their disagreement, to decide the point in difference. (4 Op. Att. Gen., 580, 598, 613, 615–621. 10 Stat. at Large, 673, 687. 11 Ibid., 80.)

Prior treaties between the United States and the Cherokee Nation proving to be insufficient to protect and promote their respective interests, the contracting parties, on the 15th of July, 1866, made a new treaty of that date by the first article of which they declare that the pretended treaty made with the so-called Confederate States by the Cherokee Nation, on the 7th of October, 1861, is void, which is all that need be said upon the subject, as both parties repudiate the instrument and concur that it is of no effect. (14 Stat. at Large, 799. 14 Ibid., 326, 14 Ibid., 439.)

Many new regulations are there adopted, and many new stipulations made, but they are all, or nearly all, foreign to the present investigation, except the provision contained in the seventeenth article. By that article the Cherokee Nation ceded, in trust, to the United States the tract of land which was sold to the Cherokees by the United States under the provisions of the second article of the prior treaty, and also that strip of the land ceded to the nation by the fourth article of said treaty, which is included in the state where the land is situated, and the Cherokees consent that said lands may be included within the limits and under the jurisdiction of the said state, to be surveyed as the public lands of the United States are surveyed, under the direction of the commissioner of the general land office, and that the lands shall be appraised as therein provided.

Annexed to that stipulation is a proviso that persons owning improvements and residing on the same, if of the value of fifty dollars, and it appears that they were made for agricultural purposes, may, after due proof, be entitled tyo by the same at the appraised value, under the conditions therein specified.

Sales of the kind may be made under such regulations as the secretary of the interior shall prescribe, but another proviso is annexed to the stipulation that nothing in that article shall prevent the secretary of the interior from selling for cash the whole of said neutral lands in a body to any responsible party for a sum not less than eight hundred thousand dollars.

When the treaty was submitted to the senate the last proviso was stricken out and another was adopted in its place, as follows: That nothing in the article shall prevent the secretary of the interior from selling the whole of said lands not occupied by actual settlers at the date of the ratification of the treaty, (not exceeding one hundred and sixty acres to each person entitled to pre-emption under the pre-emption law of the United States,) in a body, to any responsible party, for cash, for a sum not less than one dollar per acre.

Exception is there made of improvements made by actual settlers, but the amendment in one respect is more comprehensive than the original treaty, as it extends the authority of the secretary of the interior to lands other than those known as the neutral lands, to which the original treaty was confined.

Two objections are made to the title of the appellee as affected by that treaty, in addition to those urged to show that the prior treaty between the same parties was inoperative and invalid. It is contended by the appellant that the Cherokee possessory right to the neutral lands was extinguished by the seventeenth article of the treaty, which undoubtedly is correct, but the conclusion which he attempts to deduce from that fact cannot be sustained, that the Cherokee Nation abandoned the lands within the meaning of the last condition inserted in the patent by which they acquired the same from the United States.

Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate conveyed to less than a fee, it is void; but it is not necessary to decide that point, as it is clear that if it is valid it is a condition subsequent, which no one but the grantor in this case can set up under any circumstances.—(4 Kent Com., 127-130; Cooper v. Roberts, 18 How., 181; Keneeth v. Plummer, 28 Mo., 145.)

Even if the rule was otherwise, still the point could not avail the appellant, as the parties manifestly waived it in this case, nor is it true that the sale in trust by the Cherokee Nation to their former grantor constitutes such an abandonment of the premises as that contemplated by the condition inserted in the patent.

Unsupported in that proposition, the appellant in the next place contends that the provisions of the seventeenth article of the treaty are a mere agreement that the article did not operate to convey the lands to the United States, but the court is entirely of a different opinion, as the proposition is contradicted by the practice of the government from its origin to the present time.—(Insurance Co. v. Canter, 1 Pet., 542; United States v. Brooks, 10 How., 460.)

Most of the objections urged against the prior treaty are also urged to show that this treaty is inoperative and invalid, to which the same answer is made as is given by the court in response to the antecedent objections.

Under that article of the treaty a contract was made and executed, dated August 30, 1866, by the secretary of the interior, on behalf of the United States, and by the American Emigrant Company, for the sale of the so-called Cherokee neutral lands, containing eight hundred thousand acres, more or less, with the limitations and restrictions set forth in that article of the treaty as amended, on the terms and conditions therein mentioned, but the successor of the secretary of the interior came to the conclusion that the sale, as made by that contract, was illegal and not in conformity with the treaty and the amendments thereto, and on the ninth of October of the succeeding year he entered into a new contract on behalf of the United States with the appellee for the sale of the aforesaid lands, on the terms and conditions in said contract set forth. Embarrassment to all concerned arose from these conflicting contracts, and, for the purpose of removing the same, all the parties came to the conclusion that it was desirable that the Emigrant Company should assign their contract, and all their right, title, claim, and interest in and to the said neutral lands, to the appellee, and that he should assume and conform to all the obligations of the said company under their said contract.

All of the parties having united in that arrangement, the United States and the Cherokee Nation, on the 27th of April, 1868, adopted a supplemental article to the last-named treaty, and the same was duly ratified by the senate and proclaimed by the president. (15 Stat. at Large, 727.)

Acting through commissioners, the contracting parties agreed that an amendment of the first contract snould be made, and that said contract, as modified, should "be, and the same is hereby, with the consent of all parties, re-affirmed and made valid;" that the second contract shall be relinquished and canceled by the appellee, and that said first contract, as modified, and the assignment of the same, and the relinquishment of the second contract, "are hereby ratified and confirmed whenever said assignment of the first contract and relinquishment of the second shall be entered of record in the department of the interior, and when" the appellee "shall have accepted said assignment and shall have entered into a contract with the secretary of the interior to assume and perform all the obligations of the Emigrant Company, under said first-named contract, as therein modified." Important modifications were made in the first contract, but it is not important that they should be reproduced at this time. (16 Ibid, 728.)

After the Indian title was extinguished by the treaty ceding the neutral lands to the United States, and before the supplemental treaty was concluded, many settlers, it is claimed, including the appellant, went on these lands for the purpose of settlement. They took, and have continued, possession for the purpose of complying with and procuring titles under the preemption laws passed by congress, but the local land-offices were not open to them, and of course they were denied the opportunity to make proof and payment. Instead of that, patents of the lands, not belonging to actual settlers, were issued to the appellee, and it is admitted by the appellant that the patent of October 31, 1868, covers the land in controversy, and that he, the appellant, is not entitled to relief if that patent gives to the appellee a valid title.

Precisely the same objections were made to the treaty ceding back the neutral lands to the United States, and to the supplemental treaty, as were taken to the prior treaty under which the United States covenanted to convey the neutral lands to the Cherokee Nation, and they must be overruled for the reasons given for overruling the objections to the prior treaty.

Acts of congress were subsequently passed recognizing the treaty ceding back the lands to the United States, and the supplemental treaty as valid, and making appropriations to carry the same into effect. (15 Stat. at Large, 222; 12 Stat. at Large, 793; 10 Stat. at Large, 283; 16 Ibid., 356; 5 Ibid 73.)

Some other objections of a purely technical character are made by the appellant to the title of the appellee, but these are satisfactorily answered in the printed argument filed in the case by the latter party, and are accordingly overruled. (Attorney General v. Deerfield Bridge Co., 105 Mass., 9.)

Viewed in any light, the court is of the opinion that the title to the land in controversy is in the appellee, and that there is no error in the record.

Apply the principles adopted in this case and the reasons given in support of the same, to the case of William H. Warner v. James F. Joy, number 327 on the calendar, and it is clear that the decree in that case must also be affirmed, as the pleadings are substantially the same as in the case just decided, and the stipulation of the parties is that the court may take and determine the demurrer filed upon the agreements made in that case and without further argument.

Decree affirmed in each of those two cases."

The priciples in this decision, applying to the Cherokees, apply also to the other Indian nations and tribes in our country; and we invite your particular attention to that part of the decision that asserts. * * "*On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of congress conferring it; and that congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political.*

Those who are in advocacy of this territorial legislation, as we believe to despoil us of our lands, allege that our people are standing in the way of progress and civilization, and that the present Indian policy is a failure. To meet the allegations of interested parties, we wish to submit the evidence of the president, the secretary of the interior, the commissioner of Indian affairs, and the board of Indian peace commissioners.

The president, in his message to your honorable body, says:

"INDIANS.

"The policy which was adopted at the beginning of this administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expense of their management, decreased their forage upon the white settlements;

tended to give the largest opportunity for the extension of the great railways through the public domain, and the pushing of settlements into more remote districts of country, and at the same time improved the condition of the Indians. The policy will be maintained without any change, excepting such as further experience may show to be necessary to render it more efficient.

"The subject of converting the so-called Indian Territory south of Kansas into a home for the Indian, and erecting therein a territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that territory has within the past year been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. As a preliminary step to the organization of such a territory it will be necessary to confine the Indians now resident therein to farms of proper size, which should be secured to them in fee, the residue to be used for the settlement of other friendly Indians. Efforts will be made in the immediate future to induce the removal of as many peaceably disposed Indians to the Indian Territory as can be settled properly without disturbing the harmony of those already there.

"There is no other location now available where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory.

"A territorial government should, however, protect the Indians from the inroad of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights, and from the disposal of the lands held by them, for the same period."

Also, in his letter of October 26, he says to Hon. Geo. H. Stuart:

"EXECUTIVE MANSION,
"WASHINGTON, D. C., October 26.

"*To Geo. H. Stuart:*

"MY DEAR SIR—Your favor of the 24th instant, saying that a change in the Indian policy of the administration is reported to be contemplated, is just received. Such a thing has not been thought of. If the present policy toward Indians can be improved in any way, I will always be ready to receive suggestions on the subject; but if any change is made, it must be on the side of centralization and colonization of the Indians. I do not believe our Creator ever placed different races of men on this earth with a view of having the stronger exert all his energies in the extermination of the weaker. If any change takes place in the Indian policy of the government while I hold my present office, it will be on the humanitarian side of the question. Very truly yours, U. S. GRANT."

While we do not indorse the president's idea of a territorial government over our people without their consent, we have this to say: that from his message, he is not in favor of such a government as these bills propose. It is but justice to him to observe in his message that he says as a *preliminary* step to such a government, many other tribes of Indians should be concentrated in the Indian Territory, and their lands alloted *in fee*, which of necessity will require the work of years, and in the meantime he recommends protection to the Indians from the intrusion of the whites.

The secretary of the interior, in his report for 1872, says:

* * * * * * *

"Measured by any true standard, the present Indian policy of the government has proved a success, inasmuch as for three years it has secured the largest and freest extension and development of our railways and frontier settlements which was possible under the circumstances, with far less of loss of life and property than would have been suffered under any other plan of dealing with the hostile and roving tribes beyond the Mississippi river. In our intercourse with the Indians it must always be borne in mind that we are the more powerful party, and have uniformly regarded the Indians as the wards of the nation.

* * * * * * *

"The reservation system withdraws the great body of the Indians from the direct path of our industrial progress, and allows the work of settlement and the extension of our railways to go forward up to the full limit of the capacities of capital and immigration, with absolutely no check or diminution on account of Indian hostility actual or apprehended. There is not a mile of railway which has authority of law for its construction, and for which the capital stands ready, which is unbuilt to-day by reason of danger from Indian attack. There is not a family at the east, or newly arrived from Europe, which is desirous of a western settlement, but can locate itself in safety on public lands at any point from Omaha to Sacramento. It follows, from these two propositions, that the peaceful progress of settlement and industrial enterprise is only limited by the resources of the country and the expansiveness of our population. The work of circumscribing and confining the evil, of which complaint is made, is, therefore, being carried forward as rapidly and effectively as in the nature of the case is possible; and the three conditions of a successful treatment of the Indian difficulty are shown to be realized in the present policy of the government toward the hostile and semi-hostile tribes."

* * * * * * *

Judicious management will in a few years secure the removal of a large portion of the tribes of the Rocky Mountains to the Indian Territory.

The board of Indian Commissioners, in their report say:

"Nearly five-sixths of all the Indians of the United States and Territories are now either civilized or partially civilized, and the records show that under their present treatment they commit a smaller number of serious crimes against the whites than an equal number of white men in any part of the western country, commit against each other.

"These facts seem to be but little known, and when the telegraph announces that a white man has been killed by Indians, most persons attach the guilt to the whole race. As well might they hold the clergy and merchants of New York personally guilty of the daily murders there committed, and express a desire for their "extermination."

"The convictions of the board that it is the imperative duty of the government to adhere to its treaty stipulations with the civilized tribes of the Indian Territory, and to protect them against the attempts being made upon their country for the settlement of the whites, have undergone no change. The idea that the Indian title to the reservation in the territory is ever to be extinguished should be abandoned, and any congressional legislation which would seem to have contemplated such possibility ought to be repealed.

"It is not the opinion of the board that a barbarous, aboriginal race may shut out from the occupancy of civilization vast regions of country over which they may roam, simply because they were first on the soil, but we deny that the titles to the Indian reservations, generally, are effected by this principle. It is peculiarly inapplicable in the case of the reservations in the Indian Territory. The mere possessory title of the aboriginal inhabitants was long ago extinguished by conquest and expulsion, and the present occupants are there with whatever title was conveyed to them by the United States. Their lands were not conveyed to them as an act of grace, but for considerations which were deemed of ample value by the government; nor can their rights be properly affected by the question as to whether they are white, red or black.

"If national honor requires the observance of national obligations entered into with the strong, how much more with the weak. To repudiate either directly or by any indirection, our solemn treaty obligations with this feeble people, would be dishonor, meriting the scorn of the civilized world. The passage of any law for the organization of a territorial government not acceptable to the civilized tribes, (which have long since ably demonstrated their capacity for self-government,) and which would indirectly open their country for the ingress of the whites, would, in the opinion of the board, be such an infraction of our obligations.

"That these Indian reservations are not, as has been represented by those who covet them, to an unreasonable extent lying unused by the Indians, and that their owners are not a horde of savage nomads standing in the way of civilization, as they would have us believe, is best shown by the statistics compiled from the ninth census and, other official sources:

*See "Comparative Statistics of the Territories," page 104.*

"It will be seen from the comparison, that the Indian Territory, in population, number of acres cultivated, products, wealth, valuation and school statistics, is equal to any organized territory of the United States, and far ahead of most of them. It has a smaller area than any other and a larger population than any except Utah and New Mexico. It has more acres of land under cultivation than Washington Territory, over one-third more than Utah, and more than twice as many as Colorado or Montana; and the number of bushels of wheat, corn and other farm products raised in the Indian Territory is more than six times greater than either Utah, New Mexico or Colorado.

"In 1871 the cotton crop of the Indian Territory was about 270,000 pounds. This year the amount is increased, and that the quality of the crop is good may be inferred from the fact that specimens exhibited at the fair of the St. Louis Agricultural and Mechanical Association received three premiums, amounting respectively to $500, $250 and $100.

"Although any addition to the force of these facts will seem needless, it is but just to remark that the civilized Indians of the territory had their lands devastated and their industries paralyzed during the war of the rebellion, in the same relative proportion as other parts of the South, and have not fully recovered from the effects; and that the reports of this year show an additional marked increase in population, acres of land cultivated, productions and wealth.

"The partially civilized tribes, numbering about 50,000 souls, have, in proportion to population, more schools and with a larger average attendance; more churches, church members and ministers, and spend far more of their own money for education than the people of any territory of the United States. Life and property are more safe among them, and there are fewer violations of law than in the territories.

"The Cherokees, with a population of 15,000, have two boarding schools and sixty day schools—three of which are for the children of freedmen—with an average attendance of 1,948 pupils, sustained at a cost of $25,000 last year.

"The Creeks, numbering 15,000, have three missions and 2,050 church members and an average Sunday school attendance of 464. They have one boarding school and thirty-one day schools, attended by 860 pupils, at a cost of $14,258 for the past year.

"The Choctaws and Chickasaws, numbering 20,000, have three missions and 2,500 church members. They have two boarding schools and forty-eight neighborhood day schools.

Thirty-six of these are sustained by the Choctaws at a cost of $36,500; fourteen by the Chickasaws at a cost of $33,000 last year."

We have thus shown, from the evidence of the President and his executive officers for the Indian service, that we are not "standing in the way of civilization," but rapidly marching in the way of progress. Your government asked us to become civilized, and we are becoming so. We have adopted your form of government; we have embraced your religion; we have kept our obligations with you. What more can be asked of us? Our people are your wards, and their weakness should he their strength. The territorial measures for our country pending before congress are ruinous to our people, and in violation of the honor of your government, pledged to our people in the most sacred manner known to civilized nations. And we, in the name of our people, protest against them, and pray you not to pass them.

The confederation of the Indians of the Indian Territory was provided for in the general council established four years ago, and which has been kept up by your honorable body by appropriations for its expenses. Why not let us alone and let us foster that institution, and under its auspices concentrate our race in the Indian Territory, and so elevate our people as to fit them at no distant day to become citizens of your great government.

Will P. Ross,
*Principal Chief.*
Joseph Vann,
W. P. Adair,
*Cherokee Delegation.*
Miceo Hutkee,
Nocus Yasholar,
Cowetah Micco,
Timothy Barnett,
D. N. McIntosh,
S. W. Perryman,
Pleasant Porter,
*Creek Delegation.*
John Chupco,
John Jumper,
James Glatcoe,
Robert Johnson,
*Seminole Delegation.*
Peter P. Pitchlynn,
*Choctaw Delegation.*

# ADDRESS BY HON. W. P. ROSS,

## DELIVERED ON VARIOUS OCCASIONS DURING HIS LIFE.

### AT THE FORT GIBSON FAIR.

The wealth of the people of the Indian Territory constitutes at once their highest hope and greatest danger. Whether it shall conduce to their security or insecurity; their quiet or disquiet; their progress or ruin; their perpetuation or extinction, time will reveal. It may, however, do the one or the other to no small extent, as the Indians, by their own wisdom and action, shall decide. But avarice rules the hour, and avarice and power are against them. Their funds, aggregating millions of dollars, held in trust by the government of the United States, affording them the means of supporting their governments and schools and exempting them from the burdens and vexations of direct taxation; their 7,991 square miles of territory, with its productive soil, rich pasturage, coal and other mineral deposits, timber, stone and water; its genial climate and picturesque landscapes, diversified by hill, valley and plain, present a combination of attractions and advantages rarely equalled and but seldom surpassed. The reasonable appreciation of these privileges—improved by intelligence and industry; guarded with care and discretion, and used with moderation and patriotism—seem to be alone required to make a people living largely under their own laws and customs, and in the full enjoyment of personal liberty of thought and action, alike happy, prosperous and progressive. But be not deceived nor lulled into a false security. This wealth and these elements of wealth—these invaluable possessions—contain within themselves dangers, seen and unseen, which may insidiously disturb their quiet enjoyment or rudely extort them from their possessors.

The period in which we live is remarkable for its moral and intellectual elevation, its scientific and physical achievements, its great wealth and miserable poverty and its insatiate greed and grasp. Ambition and avarice dwell in hovel and palace and heated by desire and backed by irresponsible power, are over exacting, unjust, unfeeling and oppressive. There is a sentiment neither latent nor narrowly restricted, among certain classes, which looks upon the Indian with dislike and hatred, and manifests itself as occasion offers, in a disdainful and contemptuous disregard of his feelings, his property and his person. It trails him as the wolf trails the stricken deer, and as the eagles gather together over their prey. It allows neither slumber to his eyelids nor rest to his feet. It is understood and pandered to by demagogues, high and low, in order to secure their own advancement and to accomplish their own schemes. It enacts laws that consigns to fine and imprisonment on erring woman who sells a half pint of whiskey bought from its own legalized dealers, to an Indian in the Indian country and allows the thieves who steal their timber and coal and grass to go unwhipt of justice. It hunts down by its keen scented officers, seizes, imprisons, tries, convicts and hangs them by verdicts of a jury neither of their peers nor vicinage, and sentence from tribunals whose edicts are to them irresistible as Persian law. It legalizes drunkenness to the white man and the negro and forbids it as a medicine to the Indian upon his own soil. It gives point and piquancy to the sententious definition of the good Indian as the dead Indian, and which finds its echo from the floor of popular branch of congress that they should be all driven into the ocean. It is the sentiment, these utterances, these inequalities, these distinctions and their inevitable tendency and influence which combine to make an inheritance invaluable in itself, hedged in and walled around though it be by law and promise the cause of greatest anxiety, insecurity and danger to its owners and possessors. And why? Because it shows that he is the object of special legislation, and that special legislation by those wholly above him and if not unfriendly often times indifferent.

Am I stating the case improperly? Look to the facts! I am no enemy to prohibition. The evils of intoxication are countless and indescribable, separating the flesh from the bone, the life from the body, the affection from the heart, the soul from heaven. I would that these evils everywhere ceased, and that the mantle supposed to be thrown around the Indian by laws which single him out for his special protection would serve that purpose, would silence his drunken song, his defiant whoop and flashing revolver. But at the same time, I admire common sense and love common justice. The law on this subject does not forcibly illustrate either. Indians and whites and blacks honor the return of United States officers to Fort Smith from their expeditions into the Indian Territory as captives did the return of victorious warriors in ancient times from expeditions against the outside barbarians. And for what? Why, for introducing into the country or selling a bottle of whiskey to an Indian. Whites and negroes may buy and get drunk and disturb the quiet of the community with impunity, but an Indian may not. The impotency and injustice of such legislation as a prevention of intoxication is illustrated every week in every town in the territory and on the border, not excepting Fort Smith itself, the seat of the Blind Goddess.

I find no fault with the object of the law on this subject, nor with its enforcement, but with its discrimination and the resulting inefficiency. It is folly to expect to keep intoxicants from Indians when their sale is legal and their use constant by everybody else in his presence. Let the law be no respecter of persons, and until it is made such it will be a howling injustice or a roaring farce, and serve simply to furnish employment to United States marshals, afford the means of gratifying the personal spite of informers, supply the prison with inmates and stock the Fort Smith market with Indian ponies.

Again, look at the Oklahoma bummers who, next to pelf, crave notoriety. Can you conceive of anything more humiliating than the position in which congress leaves the executive and judicial departments of the government in dealing with these pestiferous creatures? Time and again these people enter the territory in known defiance of law. The President issues his proclamation warning them against their invasions. Officers of the army, with their "boys in blue," who would, if duty required, willingly dash with the immortal riders of Balaklava into the "jaws of hell," are kept patrolling the border of the territory beneath the blazing sun of summer and the freezing blasts of winter, while the decisions of the United States courts and the intent of the law are defied and despised, simply for the want of a few hours of legislation on the part of congress in providing punishment sufficient to awe and restrain these violators of right. And why such withholding of legislation so manifestly just in itself, so clearly demanded by the public interest and so often asked by the department of the interior. If any other cause may be imagined for it by a sane man than indifference to the duty owed to the people of this territory or encouragement to these wrongdoers to persist in their conduct until their purpose shall be accomplished, I will welcome it as indicating a sentiment in congress more encouraging for the future than I have supposed. A tithe of the zeal and haste and determination to protect this soil and the people of this territory shown and successfully used in pushing through illegal charters for railroad speculators, would secure peace and quiet and protection for the beloved wards of the government for years to come. I honor the President, the departments of war and interior and the district court at Fort Smith for their action in this affair, and believe it to be in accord with law, with conscience and with the public sentiment of the intelligent and virtuous and faith-keeping majority of people of the United States, but fail to see a just excuse for the non-action of congress.

I have referred to railroads, aye railroads! Eminent domain!! Government sovereignty!!! I am not here to inveigh against the one nor to dispute the existence, or abstract right of the other, when applied under proper and justifiable circumstances and conditions. I am aware that railroads and telegraph lines are a great and growing fact and necessity in the present age of the world and that if it were possible to arrest their construction, to stay the revolution of their wheels, to darken their headlights and to lull the electric spark which bears with lightning speed, its mysterious language along valleys, over mountains and under the depths of great oceans, it would bring chaos and ruin and stop the advancement of human progress. But there should be regulation, restraint, accountability. There is no humiliation more degrading, no servitude more galling, no bondage more absolute, no mastery more insolent than such as result from irresponsible wealth hedged in, protected and made defiant by law that places it above and beyond all local law and sentiment over those upon whom it operates. And that such will be virtually the status of the roads recently chartered by congress to pass through this territory, there seems to be no reasonable doubt. The golden rule no where found an entrance within their provisions. I am not unmindful of the fact that sovereignty is an attribute of independence and that its exercise is limited only by the conscience, the judgment and the power of the supreme authority of the state in dealing with questions affecting its domestic and foreign interests. It is essential to the existence of republics, kingdoms and empires. I am further aware that the construction of law by the superior power calls the Indians of this territory domestic and dependent nations and the wards of the government. But the powers of the trustee are presumed to be such as are defined by law and beyond which he may not properly go. So I presume to assert the opinion that there was neither necessity, nor cause, nor becoming pretense for the assertion and the exercise of the doctrine of sovereignty as set forth either, as to time or the manner of its exercise over the subject of railroads in this territory by the present congress of the United States.

The so-called civilized tribes of this territory were torn up root and branch, torn up ruthlessly from their homes east of the Mississippi river and forced to an occupancy of this country under pledges and guarantees of rights of soil, self-government and protection strong as human language could make them and under formalities solemn as human forms could sanctify. But in 1866 under a state of affairs never before existing in the history of the republic and peculiarly adverse to the rights and interests of the Indians, who had been drawn into the maelstrom of civil war through the treachery of government officials and their own helpless and defenceless condition, negotiated treaties granting the right of way across their respective domains for two railroads, one from north to south, the other from east to west, but no more. These were all that were asked for, all that were wanted, all that were granted and there is not the shadow of a doubt but what the contracting parties understood and believed at the time, that the concession covered the whole ground and was final on that subject. Nothing was then said about any power reserved by congress over that question. There was no assertion or intimation of the doctrine of sovereignty in the case. It existed then as now, and if the stipulation on railroads in such precise terms did not cover the whole subject and was not intended by the government to cover it, it was not less due to the high character of the superior power than it was to the regrets of the inferior that it should be stated. But this was not and the provisions of the treaties were a finality and intended to be a finality in that particular by both parties. It simply left it where other questions were, matters of future agreement in regard to changes or modifications that might be desired or rendered necessary by the lapse of time. These roads were chartered with extraordinary privileges and immunities and the Indians have complied with the terms of their agreement, believing that all had been done in the premises that law and conscience could ask or take, without their consent. But a few brief years has demonstrated how utterly baseless was the fabric of their confidence, and how utterly might disregards right.

. In 1880 the right-of-way granted to the St. Louis and San Francisco railroad through the Choctaw Nation, chiefly upon the disputed plea that the Choctaw authorities desired it and had given their consent to its construction. And now we behold some of the members of congress who aided in the passage of that bill under these circumstances appealing to their own precedent to excuse and justify the chartering of the Southern Kansas, and Gulf, Colorado and Santa Fe railroads, with extraordinary privileges and immunities, and this quite as much in the behalf of individual and corporate greed as of public or governmental demand. The elasticity of the reasoning under which these acts are passed and of the precedents now established, is as far-stretching and grasping as avarice and speculation and selfishness may desire to go. And we may well stand with tremulous apprehension as we look abroad and behold the power and influence of these vast corporations as exercised over the landed, the financial and the political interests of their own people and governments—a power and influence which are chafing and galling the necks of the people, and give utterance to distant mutterings of discontent, indicating, as many believe, future revolt and revolution. It means simply at no distant day the control of the legislation of our national councils, the corruption or disregard of officials, the possession of our mines, the sequestration of our lands, the subjugation of our people.

But great as they appear to be these are not the only dangers and influences which seem to threaten us. Omens of evil portent hurtle in the passing breeze and flash athwart gathering clouds within the circle of our own horizon. Some of these belong to ourselves; others to the insidious wilds of unscrupulous adventurers. All roads and all footprints point to Rome. They plainly indicate many arrivals but few departures, and hence these growing towns and substantial improvements, largely the result of the indifference if not tacit encouragement of the department of the interior and its officials. It is well known that there is constant intrusion into the territory, perpetuated and multiplied under cover of permits, under pretexts of citizenship and without excuse whatever. To this condition of the country native and adopted citizens largely contribute, if they are not mainly responsible. The greedy grasp for rich lands, large enclosures, large pastures, multiplied claims, official pleas and perquisites which are expected to furnish present competence and future wealth and ease, without the soiling of the hands or the sweat of the brow, tell the story, and if not the handwriting on the wall that smote and terrified the guilty Belshazzar and his corrupt court and recorded their doom, they at least sound the alarm and bid us look to our homes, our firesides and our altars. Intelligence and firmness may yet preserve these for the possession and enjoyment of their rightful owners. The spirit, fortitude and manhood which have preserved the leading tribes of the territory through so many periods of trial and darkness, cannot lie wholly dead, nor their sons and daughters wholly degenerate. Their voice must yet whisper in the passing breeze and their example glisten as the silvery stream beneath the shining sun. Then awake, arise and on to action!

But do you ask what has this line of remark to do with the occasion of this assemblage? Much, every way. The objects of this annual fair is the improvement of the people here represented, the elevation of their condition, the increase of their wealth, the inculcation of harmony. No question affecting these interests may be considered wholly out of place, but may be properly presented and discussed. The just and equitable support and maintenance of government; the impartial and economical administration of law; the proper treatment of persons convicted of crime, looking to the prevention of crime, combining the punishment and reformation of violators of law and the protection of society from their depredations and evil examples and influences; the safe and judicious development of our resources; the proper cultivation and training of the moral, intellectual and industrial capabilities of the children of the country; the tenure and available pecuniary use of our lands, and the preservation of our civil rights and privileges, are all subjects of paramount importance and of the highest interest. They involve questions of the gravest consideration, now overhanging our heads. They meet us face to face. They give pregnancy to the present hour, pervade all classes and reach forward to our children and children's children. Let these questions be fairly and squarely met, fully and freely discussed and wisely and fearlessly acted upon in their appropriate places.

The annual arrival at eastern ports of the United States from the further shores of the Atlantic of five times the native population of the entire Indian Territory, the annual increase of the 57,000,000 estimated as the present population of the United States, the vast concentration of lands and capital in hands of individuals, syndicates and great corporations and the marvellous and unparalled activity, enterprise, intelligence, knowledge, power and grasp of the present era must be seen and confessed by the most stolid observer. But whether we heed their presence and acknowledge their influence or not, still they exist and move onward with accelerated speed and force. And wise must be the heads, strong the arms and warm the hearts of the glorious patriots and councillors who shall guide and shield and defend and perpetuate the Indian people with Indian rights through impending crisis. In this vital duty there is work for every man to do. Cultured minds, high morals and hands inured to industry are the under strata upon which must rest all healthy progress, all stable existence. These are more potent in fixing human destiny than broad acres, countless herds and fluctuating shares in mining stocks. These are the essential elements, the enduring elements of personal character and power and solid national worth and wealth. Our first duty then, is to provide and sustain an education which will enlighten the minds, elevate the morals and impart practical skill in the various professional and industrial pursuits of life to the sons and daughters of the country. The great want of this critical hour is more men and more women thus trained and endowed. We need sharp men but not sharpers, operators not bosses, proficients not pretenders, workers not shysters, wives who are helpers, mothers capable of training their offspring and daughters who can keep the kitchen as well as dust the parlor and run the sewing machine as well as trill the keys of the piano. We need such persons in official places, in our school houses and in every home in the country. Cynics may sneer and selfish vulgarity scoff at the idea of Indian education and Indian civilizations, but we know that is making hopeful advances in this territory. Sustain it. Speed it onward, but see that it is thorough, practical and pure. I thank Heaven for what the government is enabling General Armstrong at Hampton, Capt. Pratt, of Carlisle, and their co-workers at kindred institutions, to do what they are doing for the Indian children taken under their charge. I thank Him for what the benevolent men and women of the United States are doing at Worcester Academy, at the Baptist University, at Spencer Academy, at Harrell Institute and elsewhere in the same work. But I thank Him most of all for what the Indian people are able and willing and desirous themselves of doing at their primary, and high schools and orphan homes for the enlightenment and preservation of their own race. May these efforts be the silver lining to years of adversity, the golden bow arching the eastern horizon after the storm has spent its fury and passed away.

That form of government only is just that bears equally upon its members, in its favors and burdens, in its immunities and exactions. To tax the native widow and friendless orphan equally with the wealthy male, and not tax at all the adopted citizen for the support of public schools, executive officers and supernumeraries in the shape of clerks, superfluous delegations and the whole machinery of local government is a wrong which adjective cannot qualify nor intensify. And yet such is the wrong upon which rests the several governments of this territory. The sooner such inequality, such oppression of the weak and favoritism of the strong is changed and one of national justice adopted the greater will be the respect and the stronger the affection for their laws and institutions. Politicians and beneficiaries may ignore this subject or deride those who presume to question such a system of taxation and urge its modification, but it will sooner or later receive the attention it demands. The voice of justice will be heard, for this is a question that goes home to every conscience, to every pocket, to every plough handle, to every cook pot in the country.

But there is another subject of yet greater importance, vital in character, which in length, breadth and depth surpasses all others; one that comes home to every citizen, regardless of age or sex; a subject which the march of events is forcing to the front, and one that cannot be longer dodged or neglected in some manner without abiding injury to ourselves and our descendants. I mean the subject of our lands, and the tenures by which they are held. There are but few more Indian reservations to serve as sops for land sharks. Even now their eyes look earnestly, longingly, expectantly upon our heritage, and the voice of the demagogue croaks for lands for the landless, homes for the homeless. Aspirants for congressional honors are so unblushing as to base a claim for support upon a promise to open the Indian Territory; editors adopt it as a plank in their own policy and seek to incorporate it into the platform adopted by the late national convention of the Democratic party at Chicago. Oklahoma boomers seek to effect the same end by cheek, misrepresentation and bluff, and are restrained only by military force. Keen-eyed speculators visit its valleys, mountain gorges and shady streams as sportsmen and pleasure seekers; excursion trains are invited to behold and admire the excessively lauded beauties of the territory; capitalists are directed to it as the place to plant their dimes and pluck their dollars; and native and adopted citizens, under one excuse and another, seek to evade the spirit of our laws and monopolize large tracts of the common lands of the people, with the hope and purpose of ultimately holding them as individual property. As stimulating this spirit of acquisition, look to the facts bearing on the subject of lands in the United States. From discussions in congress, we learn that congress, prior to 1875, had donated to certain corporations 296,000,000 acres of the public lands, much of it obtained from Indians at rates skinning deeper and nearer the bone than those allowed, under forced pressure and cover of special purposes, for those included in the odious Oklahoma designation. These donations exceed in area, largely, all the farms in the United States, and by 75,000,000 acres the area of the thirteen original states of the Union. The house, at the last session, passed bills taking back about 70,000,000 acres of these donations under alleged forfeiture of grant, but I fail to notice that the senate was of concurring mind and deed. Not less astounding are the figures showing individual ownership of lands. A few foreign individuals and syndicates own 20,000,000 acres, while individuals in the United States are put down as holding from 20,000 to 2,000,000 acres, while out of the entire population of the Union there are said to be less than four millions and a half of property holders. These figures are presented for two purposes: first, to show the operation and abuses of the system of land holding in severalty which is urged upon the Indians as the solution of the Indian problem, so-called, and as a panacea for all the evils inflicted upon them by the white race; and second, to show how many homeless creatures there are who, after the waste committed by their own authorities upon so many millions of acres of their own possessions, are left to clamor for the few acres still in the hands of the Indians. The civilized tribes of this territory hold their respective reservations by letters patent from the president of the United States, executed and delivered in accordance with the pledge of treaties and the direction of law. They convey the titles of the United States after they had divested the Indian titles, and is absolute, with the condition only that the Indians abandon them or become extinct, when they would escheat. These titles the Indians regard as complete. The government is pledged to them, for their enjoyment under their own laws, and is obligated to protect them from trespass or intrusion by unauthorized persons. I am content with that title and am willing to stand by it as heretofore, in letter and spirit. I see no sufficient reason to convince me that it is not a better tenure for the mass of the Indians than an allotment in severalty would be. There are no landless paupers among us and but few homeless vagrants. No absent landlords, no exacting agents, no distraining for rents, no brutal ejectments. There is poverty, but not poorhouse pauperism. There is destitution, but no starvation. Wood, water, land, homes, may be had by all, and the share of independence they bring. If the Cherokees, or Choctaws, or Creeks cannot be or will not be protected in their national capacity in the quiet enjoyment of their privileges, as is the promise by the strong arm of the government, where will be found safety for individual rights, when as committed to the decision of tribunals and laws in whose formation and enactment their voice will be impotent, and when overwhelmed by the numbers of those who now seek their overthrow. Unless past experience should fail to repeat itself there need be but one answer to the question: they will be utterly powerless and devoid of standing, influence and protection. But this view of the case does not preclude the idea and duty of promptly adopting measures under our laws to check and thwart the tendency to monopoly of land now manifesting itself. It does not prevent us from ascertaining the number of acres of land to which each person entitled to share in them would be entitled if an allotment were to be made; nor from classifying those lands, according to quality, into farming, timbered, grazing and mineral lands, and grading them according to value; nor of fixing by law how much of such lands an individual may enjoy by occupancy for his own use, free of charge, and how much more he may be allowed to use, and under what regulations, by paying into the treasury of the nation an annual rentage for the common benefit of its common owners. It does not debar the nation from asserting and exercising its sovereignty in the premises and ascertaining by correct geological survey the qualities of the public domain, and thus acquiring full and reliable information, so as to utilize its soil, its timber, its salt water, its water privileges, its stone, its coal, iron ore, lead and other minerals, if they exist, and thus see that its most valuable rights and resources are not allowed to pass irrecoverably into private hands, to the prejudice and spoliation of the mass of their own people. The Indian official or person who, through timidity, cowardice, selfishness or venality, would contribute to a state of affairs by which the ignorant, the weak and the humble among his own people should be despoiled of their handsome heritage, and become houseless and homeless vagrants, despised and spurned and suffering from the rich man's reproach and the proud man's contumely, in his native land, is devoid of principle, recreant to manhood, and a traitor whose name would be justly despised and abhorred evermore! *evermore!!* EVERMORE!!!

My friends, with your rights understood and appreciated and secured, your distrust dispelled, your doubts banished, your confidence established on a firm and impregnable rock, what a glorious future might be yours and your children from generation to generation. Anticipate for a moment the possibilities, the almost assured results, which would flow from such condition, and contemplate them as witnessed throughout the country on some occasion similar to this one. Homes, the abodes of happy families, are made comfortable by industry embellished by taste with books, papers and pictures, yards shaded by tree and vine and decorated with shrub and flower. Stable, stall and sty clean and well filled with grain and grass, and improved domestic stock and poultry. Field, garden and orchard well kept and well tilled, and yielding remunerative crops of corn, cotton, tobacco, wheat, oats, potatoes, table vegetables, fresh and tender of great variety, and berries, peaches, apples and other fruits, school houses and churches well built, well kept and well sustained. Revolvers rusting in the garret and ploughs glistening in the sun. Marshals defunct and jails empty, and people sober, manly, intelligent and industrious. Then we would see on an occasion like this sleek horses and mules, bulls with silken hair and round-eyed cows with milk bearing udders, fat hogs and fine wooled sheep, home-made saddles and harness, boots and shoes and household furniture and agricultural implements wrought by the hands of native artisans, and the thousand and one articles of industry, skill and taste that elsewhere that impart prominence, interest and profit, fairs and exhibitions of every character, county, state, national and cosmopolitan. I am aware that the utterance of a hope like this, will be received as a mere rhetorical flourish by some and as a chimerical idea by others. But its happy realization may be consummated by the united and determined efforts of those within the sound of my voice and those whom it may be re-echoed from distant parts of the territory. Three score years and upwards of life among the Cherokees, more than two-thirds of it spent within a few miles of this places enable me to state as of personal knowledge, that not only great changes but great advances have occurred among the people of this country within these generations. Their removal from their homes east of the Mississippi and the late civil war in which they imitated the people of the states, and not only helped them in a small way to desolate the homes, destroy the property and cut the throats of one another, but also of their own, mark two great and tragic and destructive epochs in their history. The wheels of progress, prosperity and healthy advancement were arrested by both, property vanished, childhood and age succumbed to exposure and want, and hundreds of gallant warriors in the campaign or the battle field slept unheedful of the voice of an Osceola, or Takatoka, an Apothleyohola or Tekanochulle, calling them to action. And yet they have rallied and moved on with a step quick as the surrounding masses. You know that the people are self-sustaining and very largely law-abiding, that many of the troubles that spring up among us are hatched and instigated and magnified by outside influences for special purposes, and that a large per centage of the crime that occurs in the territory are due to adventurers who are amenable not to Indian, but to United States law. It is claimed that the bulk of the production of this country is due to white and colored labor, largely non-citizen. I do not believe it. I do not depreciate their labor. But it is well-known that a majority of the people do not employ it but manage their own farms and stock and earn a support for themselves and their families by their own individual industry. And to all such persons I desire to extend my sympathy and good cheer. Be not discouraged, be hopeful and stand for your rights, whatever may be your calling. Your greatest danger as individuals and communities will be found in idleness, dissipation, vice and general worthlessness. Your greatest strength in order, sobriety and the intelligent development, use, and improvement of your resources. My heart swells with sadness and smypathy whenever I behold a poor, ignorant and degraded native who is incapable of appreciating and utilizing his high estate, but with equal indignation and contempt when I see a hale, able-bodied one of whatever complection, overflowing with whisky, encircled by revolvers and destitute of manhood. My friends, what greater inducements can you desire to wise and intelligent and virtuous lives than abound in profusion on every hand. Comfortable houses and well tilled farms will bind your own hearts and those of your children to their homes, and command the consideration of those who under other conditions would aid in your expulsion from privileges you failed to appreciate. Within your reach are the fruitful means of comfort, wealth and independence. Skillful culture of your fertile soil, under a genial sun, will yield good and abundant crops of all the products of a south temperate latitude; your gardens a large variety of choice vegetables; your orchards, luscious grapes and berries, and golden fruits; your forrests hard and soft woods for building and manufacturing purposes; your springs pure, saline and medicinal waters for health and refreshment; your streams and rivers for manufacturing and navigable purposes; your pastures with ordinary care sustaining herds of horses and cattle, and flocks of sheep and goats from season to season; your barn yards prolific of domestic poultry; your soil furnishing stone, coal, iron and lead, and possibly other valuable deposits; your climate exempt from great extremes of heat and cold and life destroying epidemics; your government self-chosen; your freedom unfettered; your manhood realized, make a combination of mercies unequalled in number, unsurpassed in character, inestimable in value; prove yourselves worthy of their possession, make your children worthy of succession to them, and keeping your hands unfettered boldly trust to the future. And then if go down you must, let it be without fault or self-reproach, and with a heroism and fidelity that will hand your names down to coming time with honor and renown.

## ADDRESS DELIVERED AT MUSKOGEE FAIR.

It would have been no difficult task for the association which brings me before this audience to find an agriculturist whose experience and success would entitle his views to more consideration than mine. It is true I was reared and have resided the greater part of my life upon a farm, and at one time or another have had more or less experience in the duties which usually devolve upon a tiller of the soil; but I pretend not to speak with confidence upon any of its leading branches. There are, however, enough weak, strong and indifferent points in the manner of their usual pursuit to fix the attention and justify the comments of the most limited observer.

There are in the Indian Territory, as elsewhere, the careful farmer, the indifferent farmer and the careless farmer. These classes might be compared as few, more, most, and can be as readily distinguished by their work, or the absence of it, as the cattle grazing on yonder prairie, almost hidden from view by the tall grass and bright flowers into which they are plunged, by their marks and brands. The careful farmer does everything well at the proper time. He plows deep and early, prepares the ground fully, plants or sows his seeds with care and cultivates them at the right time with neatness and thoroughness; his dwelling is made comfortable, his larder and granaries are well filled, his cattle salted and fed in winter, and his horses kept sleek and sheltered, and there are around his premises evidences, not to be mistaken, of ease and comfort. Such a man is rarely pressed by want. His prudence avoids extravagance and gives him credit at all times to meet an emergency that may spring up in his affairs. If seasons are unpropitious and his crops fall below an average, he garners much as anyone else under like circumstances, and its increased value makes up the deficiency in quantity. In a word, he is usually prosperous, contented, respected; a blessing to his neighborhood, supporter of law and order, and almost invariably a pillar in church and state. I wish men of this character, by some process of alchemy, could change the entire population of the territory into the likeness of themselves and spare even a brief contemplation of their opposites. The indifferent farmer does things by halves, and one knows not whether to pity or despise him. He is nothing positive, but reminds one of the common remark that "he is so good, until he is good for nothing." His fences are good enough to make stock breachy and keep himself and neighbors in an uproar during the whole farming season; his plows are out of order; his teams just fat enough to do half work in half style, or to bring half price if it becomes necessary to sell. There is a perpetual race between the weeds and his crop, and he compromises with them by plowing out the middles between the rows and leaving as many burrs or other noxious weeds and grass as stalks of corn in a hill, to be equally but only half cultivated. The seasons are always out of joint with him and Providence ever presents a frowning face. He has no luck but bad luck, and is always between the upper and neither millstone, and I regret to think that there are thousands of such men all over this territory who are to-day leading unhappy lives, half-way providing for their families simply because of the want of pluck and energy to change their condition. There is, however, some hope that the force of example, the latent spirit of ambition, the pride of good housewives or the new ideas and higher aspirations imbibed by the rising generation, will root him out of the grooves in which he has so long run and force him, at least to attempt achievements worthier of his intelligence and condition. I am aware that when you bid men who have only maul and axe and their own hands to go forth and grow rich you impose no ordinary task. But there are those who have achieved success and competence under such circumstances. Let them remember that the sixty-ninth effort of the spider to raise himself by his own attenuated web gave fresh courage to the drooping spirits of Bruce of Scotland and nerved his arm afresh to deeds of daring, when, supposing all was lost, he was hiding in a cavern of the earth from his country's oppressors. And so will it be with patient, persevering industry and economy in every walk of life. Will, application, energy, self devotion, are the elements of success in the fields of agriculture as well as in the closet or upon the forum.

So far as the careless farmer is concerned I have but little to say, for there is but little of him that can be said. His picture was forcibly sketched a few years ago by Asahabet, the distinguished war chief of the Comanches, whom, I am glad to know, is here to-day. Seated on the fertile banks of the Washita one bright spring morning a few years ago, he was pointing out and deploring the change in the condition of his people. The winds of winter had beaten his tents into tatters, his children had scarcely the semblance of a covering for their persons, the tobacco given him was wet, the flour scarce and wormy, and the stringy beef upon which he was fed stuck in his throat and almost choked him as it passed downward to its destination. And thus it had been with him since he abandoned his own for the pathway of the white man, which he had done amid the taunts and ridicule of bands of his own people, who roamed successfully still as hunters and warriors. Nor could he see anything hopeful for him for the future. "Indeed," said he, "a short time since I had occasion to visit Fort Washita, and while on my way there I stopped at the house of what I was told was a civilized man. It was made of very small logs and the cracks between them were left open or daubed with clay tempered into mud. There was an opening for a door, but no shutter; there was no floor but one of dirt; a stretched hide answered for a bed, and besides a sore-backed pony, a half-starved calf, two or three pots for cooking, and a few children, dogs and pigs mixed together I saw no other property and no evidence of comfort, or prospects, and I turned away from the place and said to myself, 'if that was the end of the path which the white man invited me to travel—if that was civilization—I wanted it not.' " And I wondered not that his heart sped its way back from such a place, as the arrow from the bow twanged by his brawny arm, to the green grass, the clean ground, the limpid water, the savory bison and the sweet, pure air of his native plains. And so say I, if such be the necessary condition of civilized life, its squalor, its filth, its mental darkness, its moral ignorance, its laziness and physical debasement, I want it not. A thousand times sooner give me the life of the free and dauntless nomads of the plains, with them to chase the buffalo, to decoy the antelope, to drink their fresh waters and to hear in their native bowers the notes of the woodbird, wild and free.

But such is not civilization; such is not the destination toward which we press forward and to which this association directs its efforts and beckons onward the people of this territory. It is to a condition higher, purer, better, more plentiful and independent. I well remember to have heard the distinguished scholar, philosopher and gentleman so long secretary of the Smithsonian Institute, remark to a class of students, that it was a common error to suppose that barbarism was the natural condition of man—on the contrary it was when he presented the highest type of civilization as he came from the hand of the Almighty. That is the condition to which we aspire and to which we desire to see the people—the Indian people of this territory, attain. I know there are those who affect to despise the capacity of the Indian for civilization. A few years since I was present at a meeting of distinguished Humanitarians when this subject came before them, and after a brief consultation they were graciously pleased to express the opinion that the Indians were susceptible of a high degree of civilization, avoiding the superlative degree of speech. Perhaps this was the truth and the whole truth in regard to them. But I did not believe it then, nor do I believe it now. No people ever possessed such histories as these now above us who were not capable of great achievements. Pluck, bravery, fortitude, sagacity, perseverance, endurance and a lofty patriotism have ever distinguished them, and none who have these qualities ever become effete or contemptible or hopeless. The Mississippi, the Alabama and the Tennessee are not the only monuments more lasting than brass that will hand their memories down to posterity. Their names are carved in the niches of the great temple of American history and will not perish while those of its warriors and statesmen stand uncorroded by the tooth of time. Osceola, of the Seminoles; Pushnataha, of the Choctaws; Sequoyah, of the Cherokees, the cadmus of modern times, are names honorably mentioned and preserved. It is said that a British minister once remarked to President Jackson, that Sir Richard Parkinham was perhaps the most gallant soldier he ever met. Not so, sir, was the prompt reply, that distinction belongs to Weatherford, the warrior of the Muskogees, and well might he pay such compliment to his gallant for, who, when all was lost but his bravery, threw himself into the hands of his conquerer and bade him to do his pleasure. And can you believe for a moment that the people who have produced such men, are incapable of progress, that their success is limited by mere animal instinct, and that there are no higher realms of thought and effort and achievement for them? Believe it not. The success of the past is the earnest of the future, and the descendants of these magnificent specimens of physical manhood who stand before me to-day, will stand here in future generations the peers of the noble race, whose presence honors this occasion and whose blood is so rapidly solving the great Indian question.

Do you enquire upon what I base these hopeful anticipations for a race oftentimes declared to be doomed by the miserable advocates of the doctrine of "manifest destiny?" I answer upon these fertile acres, all their own, these patriotic hands and the faith of that government which has preserved them through the first century of its eventful history.

The board of Indian commissioners in 1873 estimated that there were of improved land in farms, 204,677 acres; bushels of wheat, corn, etc., produced, 6,739,355; value of farm produce, including increase of stock, $4,663,610; number of horses, cattle, etc., 464,465; value of personal property, not including real estate and stocks held in trust for them, $16,987,818. The government holds in trust, in investments and in lieu of investments, for these tribes, not less than $8,000,000, the income from which is applied to the support of their governments and the cause of education. From the published report of the porceedings of the general council of the territory, which convened at Okmulgee in May, I learn that, omitting schools and aggregate attendance of schools in successful operation among the Kaws, Osages, Shawnees and Sacs and Foxes, the number of common schools is 185, with an aggregate attendance of 5,962. The church membership among the Creeks, Choctaws, Chickasaws, Cherokees and Seminoles is upwards of 7,500. From these general statistics and recent sources of information, allow me to recapitulate briefly such items of special interest as relate to the people of the Cherokee Nation. Besides about seven millions of acres of land in the western part of the territory, subject to settlement by friendly Indians upon such terms as may be agreed upon in the manner provided by the treaty of 1866, their permanent reserve, upon which they now reside and for which they hold letters patent from the government of the United States, adjudicated and recognized to be in fee simple conveyance by every department of the United States government; is estimated to contain 3,284,000 acres, investments something less than $3,000,000. Fifty per cent. of this income is applied to the support of this government, thirty-five per cent. to general school purposes and fifteen per cent. to the orphan fund. The recognized citizen population of the natives residing within its limits is 19,000, of which there are of native Cherokees about 14,850; adopted Creeks, 298; Delawares, 752; Shawnees, 655; whites, 760; colored, 1,670; orphans under eighteen years, 258; blind, 39; insane, 9; deaf and dumb, 7. Acres in cultivation, 65,950; horses, 12,185; cattle, 41,550; other stock, 43,750; mills, 22; smith shops, 65; stores, 22; total number of day schools, 75; 1 orphan school and 1 female high school; aggregate attendance, 2,254.

During the past year the Cherokee Nation has expended under authority of law and the personal supervision of Capt. Haskell, the distinguished architect of Kansas, between eighty and ninety thousand dollars of their own funds in buildings and additions to be and for an orphan school, a female high school, a male high school with primary department, a home for the blind and insane. Previously, but since the war, $7000 have been expended for a jail for the punishment and reformation of criminals, and about $20,000 in building a capital and more than twice that sum prior to the war in school buildings now undergoing repairs and additions.

Agriculture, horticulture and stock raising must continue to furnish the support and prosperity of the people of this territory. Fortunately for them they have no difficulty in their pursuit, an error which seems to extend to millions of otherwise well informed people upon almost everything that relates to the Indians, supposes that the Creeks, Seminoles, Choctaws, Chickasaws and Cherokees have been chiefly a race of wandering hunters. But such is not the case. While doubtless they hunted and fished at a former time largely as a means of subsistence, it is well known that in their rude way they have been from time immemorial tillers of the soil. When first discovered by the Europeans they existed as natives, planted their own soil and cultivated their favorite corn and various vegetables.

They have never been simply meat eaters, and I feel warranted in asserting, that while a white population has increased around them, hemming them in and cutting off the resources furnished by the hand of bountiful nature, their productions have increased and varied to a corresponding degree. They are self-sustaining and so far as my knowledge extends always have been. The government has bestowed upon them no gratnity. The moneys sometimes paid them *per capita* have been their own, while the subsistence furnished them temporarily after their immigration to this country was paid for from the small consideration allowed them for their lands east of the Mississippi river. Occasional failures of crops have stinted them as in the past year, but there has been rarely any general suffering among the people. The many thousand head of cattle stolen from the Creeks and Cherokees alone during the late war attest the declaration that famine could not then have thrust its gaunt form and shrivelled features in their midst. And how is it now? I have presented evidence of their permanent improvement and rapid progress which no sensible man will fail to recognize, while these specimens of well developed manhood and womanhood can well treat with scorn ill-mannered scribblers who snaringly taunt them as members of the "Lo family."

You, my countrymen, be not discouraged. These broad acres are all your own. See that you hand them unabridged to your children. They are fertile and responsive to the hand of industry. Sow and reap and they will add wealth to your homes, strength to your bodies and permanence to your rights and existence. Let the garden, the field, and the orchard contribute their vegetables, their grains and their fruits; let these hills again be dotted over with flocks and herds; let its mines of coal, salt and ores be developed under wise and judicious regulations; let its pine, walnut and oak be worked up into cottages, furniture and implements of industry; let labor be stimulated and diversified; let the light of knowledge from them take the place of the beacon fires of the plains, illumine the minds and elevate the character of our youth and then churches inspire the way to order, sobriety, obedience to law and to values of eternal bliss beyond the skies, and we shall have no cause of fear for the future. Industry will take the place of idleness, sobriety that of intemperance, good will that of strife and bickering, prosperity that of adversity, plenty that of stintedness, and the land will abound with brave and intelligent men and lovely and virtuous women, and while the people of this territory are thus pushing on we appeal to the stranger here to-day in our midst for his sympathy and forbearance. I ask not the shylocks of speculation to forego their pound of flesh, nor the apostates from the faith of our fathers to stay their traiterous hands or cease their howlings around the borders, nor those mercenaries of the press whose principles are as rotten as the shoddy fabrics upon which they are united to cease their tirades of abuse and culumny of this great encampment, nor the potentates of mammon to shut down in satisfaction the lids of their plethoric coffins, and pause in their nefarious conspiracy against the perpetuity of this Indian country. But these are those to whom I would appeal with hope and confidence in its behalf. To the smith at his forge, to the farmer at his plow, to the merchant behind his counter, to the mechanic at his bench, to the toiling thousands whose daily prayer is for their daily bread, and those other thousands who believe that of our flesh God made all the nations of the earth and who renders justice to all men from the highest inspiration of human action, for the sake of justice to them I would appeal in behalf of the people of this territory. Their opinions pervade with noiseless but resistless power all the relations of life, fixes the position of men and determines the destinies of government. These we ask for simple justice and implore them not to allow communities like these struggling bravely if not always wisely, to maintain an existence and to work out the regeneration and perpetuation of their race to be trampled under the heel of power or despoiled by chicanery and fraud. The history of this government from its foundation, its faith plighted time and again in scores of solemn treaties and the obligations of this great nation to humanity forbid it. Truth, honor, justice, manliness, forbid it.

A few weeks since, I had the honor to participate in the ceremonies connected with laying the corner stone of the building to be used as an agency for the five principal tribes of this territory. And as I stood on yonder eminence in the presence of a large and intelligent audience of citizens and visitors and contemplated the magnificent scene of beauty, composed of hill and dale, plain and woodland, river and streamlet, grass, flower and shrub, productive fields and fertile acres, the locomotive and telegraph, all basking in peace and harmony beneath the splendors of a morning sun in a cloudless sky, my heart swelled with delight. But as I recalled to mind that this great republic of the world was moving from the east and the west, from the north and the south, from ocean to ocean and from the lakes to the gulf with one impulse, to raise one great voice from one great heart in commemoration of the wonderful progress that marks the completion of the first century of their existence, and when I recalled to mind also that the nations these represented before had only completed a century of their existence within its bosom, but also other centuries unknown to the record of man, my heart overflows with gratitude for the fidelity which had thus marked the history of the United States and for the mercy which had been bestowed upon them by the Great Spirit above. Imagination sought to peer into the impenetrable future and divine the destiny of those to follow the persons there assembled as it does to-day.

Then rivers in close proximity whose waters are gathered from the snows of the Rocky Mountains, the plains of Kansas and the fertile valleys of Missouri, and first meet, then embrace, then mingle and without the loss of drop or tittle, flow on as one stream to the great ocean.

## ADDRESS DELIVERED (BY INVITATION) AT CHETOPA, 4TH OF JULY.

Allow me, ladies and gentlemen, to tender you my cordial greeting on this anniversary of the Independence of the United States of America. Allow me to bid you rejoice over all the greatness achieved by your ancestors and yourselves since the 4th day of July, 1776. Allow me to express the ardent wish that your highest anticipations of the sublime career which awaits the republic in the history of the world may be realized by succeeding generations.

It is not my purpose to affect a display of oratory on this occasion. I come not presuming to enlighten or instruct an audience like the one in whose presence it is now my privilege to stand. I am here not unmindful that there is neither a town nor a village within your wonderful state, enriched as it is by the genius and culture of both hemispheres, which could not furnish you with other speakers, like those who are to follow me of thoughts more profound, information more enlarged, language more polished and imagery more glowing than I can command. I am here to express my thanks for whatever of personal consideration may be implied in the position assigned me to-day. I am here to express my deeper sense of the kindly sentiments it indicates towards the people of the Indian Territory. And above all I am here to evince my reverence for those great principles of constitutional government, personal freedom and the enjoyment of personal rights which have imparted vitality, strength and greatness to the republic.

From an eminence beyond your borders there was spread around me, a few days since, landscape scenes of extreme but unlike beauty. Before from the level plain arose pyramid after pyramid around whose peaks and upon whose sides the lightning and the storm had spurted and beaten through time unknown. Yet they were clothed in verdant grass and adorned with native flowers of brilliant colors and great richness. Behind, were undulations, like ocean swells to the verge of the distant horizon. On the one hand were the meandering streamlet fringed with shrub and vine and the swift flowing river beneath the shadow of majestic forrest trees! On the other the quiet valley with its embowered cottage, grazing herds and fields of green corn and golden wheat! Each scene might have inspired the pencil of an artist, but to adequately portray its beauties much less the whole in the passing hour, would have defied a master. And such to me, is the day we are met to celebrate, too large to be embraced as a whole, too varied in its stirring incidents to admit of selection.

What then shall it be? Simply the old familiar story. The axe, the drum, the book, the sceper, the pioneer, the soldier, the educator, the ruler, energy, victory, knowledge and government. The vast products of industry, the triumphs of war on land and sea, and knowledge elevating man to the standard of his rights, under form of self-chosen government. Beneath the gleaming axe in sturdy hands, the unbroken forests bow their lofty heads, rude settlements are started and the smoke from the log cabin curls up above the clearing with its crops of wheat and native corn. Weary years followed full of danger and strife with the natives just and unjust and merciless on either side, years of trial, privation, dissension, oppression and conflict with rules and proprietors, and yet settlements extended, cities grew, population increased and purposes of high resolve ripened into revolution, independence, government and a great nation. At the tap of the drum surried columns came forth with glittering bayonets; at the call of the bugle, the cavalrymen with flashing sabre and the artilleryman with his heavy rolling guns, and then amid fire and blood and anguish and death arise Yorktown first and then New Orleans, and later, Chapultepec and then Appomattox.

Washington, Jackson, Scott, Grant, and from the great waters, Paul Jones, Perry, Porter and Farragut. Three great conflicts between the same race, the war Revolution, the war for Free Trade and Sailors' Rights and the war with the Confederacy, have raised monumental piles more lasting than brass to the martial spirit, endurance and bravery of the ancestors and comrades of the veterans who meet this day in assemblages like with their countrymen from gulf to lake and from ocean to ocean! Strength begets strength, and adds to the honor of him who wins. As in the first two wars the high qualities of the British leaders developed those of the opposing forces, in the last the great military genius of Lee, Jackson and Johnston add lustre to the achievements and fame of Grant, Sherman and Sheridan. Those who followed the standards of these leaders and helped them win their unfading laurels may well exult over the ends that were accomplished—a union preserved, a nation undivided and indivisible, a constitution untorn and enlarged, peace smiling as the voice of the morning in passing from east to west awakens slumbering millions. Industry filling the land with the hum and whirl of machinery, with the fruits of the orchard, the products of field and garden, and the sparkling treasures of earth, prosperity dwelling in palace and hovel, science radiating knowledge and revealing mysteries of the celestial spheres themselves, and freedom every where victorious and stalwart.

It is becoming that the living who helped to achieve these grand results should be the recipients of their country's bounty, their country's gratitude and their country's honors. And forever precious should be the memory of those who went forth "amid the pomp and circumstance of war, rejoicing as a bridegroom coming out of his chamber, to test its awful realities, to endure heat and cold and hunger and unknown hardship, to suffer from privation and disease, to groan and expire in anguish on the field of carnage, or to lanquish and die amid the horrors of the prison pen."

"For them no more the blazing hearth shall burn,
Or busy housewife ply her evening care;
No children run to lisp their sire's return,
Or climb his knees, the envied kiss to share!"

"Unknown," is the only inscription on the little white slab which rests upon the mouldering bosoms of thousands of these heroes in your National cemeteries, unknown! but they live in the hearts of uncomforted mothers, sorrowing sisters and desolate widows, and their works do follow them!

The underlying principle, the motive power, which has animated the people of the United States and given them wealth, knowledge and power was announced in Independence Hall over the broad sign manual of John Hancock and his co-patriots, the 4th day of July, A. D., 1776. The language proclaiming it to the world is familiar to your ears, you have just now heard it from this stand; let me repeat it: "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

"It was these principles so clearly expressed and so boldly proclaimed, "that buckled on the armor and nerved the arm for victory in the conflict of the revolution, sustained the war of 1812, planted your standard in the City of Mexico and made the Union of the States one and inseperable." They have founded states, built cities and peopled an empire almost continental in its proportions. I am aware that these remarks are common place and have been uttered time and again and again, but not in such sense as to bar their repetition on this occasion. Even since the vision of my earliest days rested upon Lookout Mountain, poetically likened unto Olympus as the scene of the battle in the clouds between the gods, events have occurred and results been wrought which can never become common place to the reflecting mind. The enterprise and expenditure which annually constructs so many miles of railway, across rivers, along valleys, over plains and through mountains, are not common place. The magnificent steamers daily seen on the highways of the oceans and the telegraph which supplies your morning papers with dispatches from all quarters of the globe, are not commonplace. Your schools and colleges, your lightning presses and mammoth issues, your churches and missionary organizations, domestic and foreign, the mower and harvester, the friction match, the sewing machine, the telephone, the cook stove, and the instruments and agencies of medical science and appliances too numerous to mention, which lighten and multiply the capacity of human labor, and thus promote comfort, alleviate pain, embargo pestilence and add to human wealth, human happiness, human knowledge and human longevity, are not commonplace, nor however familiar they may be all these things to eye and ear, to touch and taste, will they ever become commonplace. They are the exponents of the nation in this remarkable age. They represent its skillful hand, trained eye, sharpened intellect, expanded soul, and dauntless purpose, equalled in some respects only by two or three other nations of the earth, but nowhere so generally possessed, nowhere surpassed. The hand which fashions with equal facility the flashing diamond and the ponderous locomotive, the age that scrutinizes the microscopic animalcule and sweeps the range of the most distant planet, the intellect that reveals the subtile mysteries of mental and physical science, the soul that enlightens and alleviates the benighted and affected children of men regardless of clime or race, the purpose that tracks the burning sands of Africa, and defies the horrors which encircle the north pole. The auspicous present places the realities of the future beyond speculation. What may they not be with truth and justice, honor and temperance, law and order paramount in church and state? Aside from differences between capital and labor, and between monopoly and the common welfare there is no cloud in the sky ominous of storm or cyclone. To be sure the vast accretions of individual and corporate wealth, leading to combinations and speculation in all financial and commercial operations, the bribery, intrigue and corruption alleged to exist in politics which manipulate conventions, intimidate voters and buy legislators, defeating the ends of justice, decency and the public welfare, the vast amount of individual crime of every character which seems to pervade all classes of people; the intemperance which wastes millions of dollars in producing crime and the means of controlling and punishing it, in filling your poor houses, your hospitals and your prisons with its debauched, degraded and demoralized devotees, in multiplying widows and orphans, in destroying the usefulness and self-respect of thousands, young and old, rich and poor, male and female, (and to the roots of which the axe of destruction has been laid first and alone by the state of Kansas) are all evils and great evils, to be deplored and resisted everywhere. They are the outflow of avarice, passion and indulgence, and unresisted would soon end in social degeneracy and political ruin. But the redeeming qualities of the people re-assert themselves sooner or later, however patient and long suffering they may be, and thus demonstrate a sure and steady advance.

Howgate is invisible, the Star Router is under a cloud, the polygamous saint is interdicted in marrying young and marrying often; Jesse James, of the Missouri syndicate, has fallen by the treacherous hand of those in whom he confided, the chronic war whoop is unheard, Sitting Bull is composed, the Nez Perce and Modoc participate in the festivities of this day, and the fierce Apache hemmed in by adventurer, scout, soldier and Mexican sings his death song amid treasures of earth unknown to him, but resplendent and inestimable. Guiteau has died ignominously at the hand of the hangman and gone to join Booth amid the execrations of mankind; Lincoln and Garfield, no word of mine can exalt them; Booth and Guiteau, no word degrade; martyrs and assassins, they will go down in history inseperably associated; the martyrs, to honor and glory; the assassins to dishonor and infamy.

> **"If this fall,**
> **The pillared firmament is rottenness**
> **And earth's base built on stubble."**

No Irish eviction and political assassination; no Jewish persecution and dynamite propangandism; no Egyptian complication and fanatical massacre; no strife between bigoted church and intolerant state, disturb the public order, threaten the national peace, harrass ministers of state, or smite with fear and trembling exacting landlord, proud autocrat or imbecil sultan. Sentiment and feeling are assuming the sway. Capital and politics are inviting and complete national reconciliation between north and south will, perhaps, follow soon the fraternal gushings between the unions, the assemblies and general conferences of the great religious denominations—a consummation which presages a degree of progress and development in the career of the country which no man may estimate, but over which every section and every individual may justly rejoice.

You will hardly expect me, citizens of Kansas, to close without alluding to the people whose country stretches along the south line of your state. I would be recreant to my sense of duty, were I to stand before you mute, alone upon the Indian question. True they are your nearest neighbors, true you see and meet with them every day, yet familiar as you are presumed to be with them, the Indian Territory is the theme of constant attention. Native born among the Cherokees, I have neither denied nor forsaken them. There is my home; there my children, kindred and friends, live, pass away and are buried. I have come before you with no new song on my lips. What I have said here has been said there, time and again, in hearty applause of the people and government of the United States. Thus far their course towards the Indian has not been applauded, decried or alluded to. I will not tell you that in all respects it meets my humble approval and commendation.

On this vexed subject I indulge no spirit of indiscriminate censure nor maudlin sentiment. It is due to humanity and forbearance that the Indian exists; to justice that he has a home and recognized rights. From the large share of these blessings bestowed on him let no man detract, nor from that benevolence which has brought to him whatever degree of Christian civilization, knowledge and comfort he enjoys. For these I accord all honor to whom honor is due.

Far, very, from it. But the ghost of the Indian will not down at the bidding of either the enlightened or guilty conscience. It stalks across the page of history even lanker, darker and more ghostly, if possible, than that of African slavery which was buried forever from the face of this people, beneath the blood and carnage of the late war. That was ameliorated to some extent at least in the worse class of cases by pecuniary interest, when higher motives of humanity were wanting. But that same motive, grovelling and degrading as it is, has operated against the Indians since it was discovered, in early colonial times, that if a poor freeman he was a worse slave. The cupidity of individuals and the indifference if not connivance of the officials of government at times to the invasion of his rights and the infraction of law, have consumed him. There need be no difficulty in defining an Indian. It was formulated in the Declaration, declaring the unalienable policy, rights of man and incorporated in the constitution affirming treaties as the supreme law of the land. The government has demonstrated its power to defend its own integrity. Will it be alike ready in enforcing and executing, in entire good faith, its obligations? Ridicule justly follows the annual farce of the facetious "Oklahoma boomers." "Failure" should be affixed in nominating conventions to the name of members of congress, who strive to gain applause and support from their constituents by cheap abuse of the Indian because of their own inability to achieve solid fame in grasping and mastering the great questions of statesmanship, domestic and foreign, which ever exist in a government like the United States. Dishonest should be inscribed fore and aft, upon an Indian agent who willfully connives at an invasion of the rights he is presumed to protect, whatever may be the motive that prompts it. The sentiment that an Indian has no rights to be respected is a declaration of dishonesty mitigated only by the impunity with which it is sometimes practiced, and I have no sympathy for the selfishness that finds room in this empire of vast dimensions for all who seek to dwell within it, though they come 300,000 strong or more annually but "the Heathen Chinese" or live Indian. Nor do I respect the hypocrisy of those who excuse the wrongs inflicted upon the Indian by preaching the doctrine of manifest destiny and of the survival of the fittest, a doctrine very pleasant for the fellow who happens to be the fittest, for the bellowing bulls of Basham with tails up, heads down and eyes glaring like balls of fire who gore to the death the weaker and less vicious, found in their self-chosen course. These sentiments have well nigh annihilated the Indian race within the limits of the United States. I abhor alike the butcheries of Sand Creek and the Rosebud and offer no apology for any deeds of perfidy and atrocious brutality of which the Indians are guilty. But crime everywhere rears aloft its hideous front. The annals of all time teem with its record of arson, burglary, highway robbery and murder by poisoning, stabbing, shooting, drowning, smothering, wrecking trains and assassinations of governors, kings, emperors and presidents. There is not a state in which some of these manifestations of crime do not occur and recur with less or greater frequency. There is, perhaps, no state in which may not be found persons of foreign birth, who have been connected in some way with crime. But these are exceptional, not general.

The mass of the people are quiet, law-abiding, honest, virtuous, industrious and humane. And yet if in the face of this fact you were stigmatized as a lawless community, as a degraded race, as affording a shelter for the most vicious and dangerous characters, as verily a Botany Bay itself, indignant would be your denial of the foul calumnies and your denunciations fierce. If there are unsuitable citizens of the United States in the Indian Territory it is due to the failure of the officials of the interior department to enforce the treaties and laws of the United States. If there are fugitives from justice there, the responsibility for their continuance rests not upon the Indians but upon the officials of the department of justice.

That country belongs to the Indians. They hold title to it from your government. When that title was executed the only interest retained was that of reversion, in case the Indians should become extinct or abandon the country. At the close of the war, when the Cherokees were forced to make a conditional relinquishment of nearly two-thirds of their domain, the guarantees for the remainder were renewed and their right to self-government and all other rights not affected by the treaty of 1866, reaffirmed. Upon these guarantees we then relied, we rely upon them now, and will cling to them with tenacity. Nothing was then said about the right of eminent domain overriding solemn pledges since sprung to advance corporate interests.

The Cherokees are your friends. They are not opposed to education. They resist no progress compatible with their obligations or conducive to their interests and as they understand their interests of which they are the legitimate judges. Hundreds of brave warriors in the late war marched beside your soldiers, in your uniform and under officers from your state in protecting your borders and defending the union, while others were with your people south. These differences have been more thoroughly harmonized than your own. Their former slaves have been more generously treated than any where else, having been placed upon the same footing with native Cherokees even in regard to schools, to lands and money. The free school and the seminary are spreading knowledge among them through your text books, in your language. Their laws are modeled after your own, and churches dedicated to the same God and the truths of the Christian religion proclaimed by ministers, in part, from your schools of divinity from your own state and aided by your own boards; have implements of industry and your pursuits are theirs, and even, alas, some of the vices common among you and in other states such as swearing, gambling with cards and dice, horse racing, shooting, skillfully and fatally oft times, with your revolvers and repeating rifles, and also drinking beer and whisky even unto drunkenness, violence and pauperism.

Excuse my scepticism when I repel the idea that the wildest Indian is incapable of civilization and that the race is necessarily doomed to extinction. I do not believe that the Almighty placed them on this continent for unknown centuries before the prow of Columbus was turned westward simply to be hapless victims of the vices, the diseases and the murderous weapons of the white man. I do not believe that the Cherokees, the Creeks, the Seminoles and adjoining tribes who fill so large a space in history and have illustrated their prowess and fortitude and patriotism on so many fields of danger, were predestinated and foreordained to be blotted from the face of the earth and remembered only through the names of their streams and mountains. The Osage, whose fertile valleys are blossoming as the rose beneath the hand of your industry, the Modoc, the Nez Perce and the Cheyenne, who have tested the skill of your officers and the pluck of your soldiery, have the same natural right to life, liberty and the pursuit of happiness that other men have. All these people are your neighbors; they were placed against their will where they are to make room for your people, for yourselves and families; they are not your enemies; they are dependent for peace and the enjoyment of their rights on the forbearance of your greatly superior numbers. May I invoke for them and for all the people of the territory the exercise of a spirit of truth, justice and mercy, by yourselves, your greatly prosperous state, and your representation in congress, so soon to be increased in number if not ability, containing as it now does an Ingalls and a Haskell and influence. Peace is sweeter than strife, friendship better than animosity, and to preserve a fellowman nobler than to destroy. Try the virtue of kindness, try the virtue of forbearance, try the force of a fair and square recognition of mutual rights, try letting them alone if they will let you alone, try the moral influence, not the harsh power of manhood. Try these things as I believe you are trying them, as the schools at Carlisle and Hampton are trying them, and as the great mass of the United States desire earnestly that they shall be tried, and if they fail then history and conscience will palliate the seizure of their lands, the spoliation of their rights and their disappearance from among the walks of men.

President Lincoln declared, "that sound policy and one imperative duty to these wards of the government demand our anxious and constant attention to their material well being, to their progress in the arts of civilization, and above all, to that moral training which, under the blessings of Divine Providence, will confer upon them the elevated and sanctifying influences, the hopes and consolations of the Christian faith." The same quiet man, whose circumstances in early life, whose habits of thought and association and sympathies brought him nearer to the people than any other person ever called to the presidency, in his short and touching address at the dedication of the National Cemetery, at Gettysburg, used these words with which I close: "It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to the cause for which they gave the best full measure of devotion, that we here highly resolve that the dead shall not have died in vain, that the nation shall under God, have a new birth of freedom, and that the government of the people by the people and for the people shall not perish from the earth."

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## DELIVERED AT THE LAYING OF THE CORNER STONE OF THE NEW FEMALE SEMINARY AT TAHLEQUAH.

Ladies and Gentlemen: It has appeared to me that a brief sketch of the advance of civilization among the Cherokees, will be appropriate to this occasion. My access, however, to sources of information upon the general subject has been so few and meager that I venture with becoming distrust upon its presentation, knowing that important facts must be omitted and familiar ones be repeated. The Cherokees had intercourse to some extent with the whites at an early period after the planting of colonies by the English government in Virginia, Georgia and the Carolinas, if indeed they had not retained traditions of a much earlier encounter with De Soto and his army of cruel and mercenary but heroic adventurers. In 1730 they were visited by Sir Alexander Cumming, a Scotchman, under an appointment by the King of England, and with whom they entered into a treaty of friendship and alliance. A deputation of Cherokees who were then dressed in furs and skins, accompanied him to London, where they were presented at court, and doubtless had many wonderful things to relate on their return to their native mountains. Two English forts were established about the middle of the last century in their country and occupied. The first was Fort George, on the Keeowa river, now in South Carolina, and near one of their villages, and the other, Fort London, in 1756, on the south bank of the Tennessee, a short distance above its confluence with Tellico river. The Cherokees aided in the reduction of Ft. Duquesne, but in returning home, became involved in trouble and had some of their number slain cruelly by the Virginians, for whose cause they had been fighting. This and other acts of injustice led to the massacre of more than two hundred officers and soldiers who had been forced to evacuate Fort London, and to the war of extermination afterward waged against them in 1759. No bloodier and more disastrous period is to be found in the history of the nation, but doubtless it exerted great influence in shaping the course of events in subsequent years. It has been suggested that Scotch adopted citizens, who came among them shortly after the period referred to, were the first to plant the seeds of civilization in their midst. Doubtless their influence was felt, but be that as it may, it is well known that at the close of the revolutionary war and at the negotiation of the treaty of Hopewell, in 1785, they had made considerable progress in the arts and knowledge of civilized life.

Subsequently their progress has been continuous; at times feeble, then almost stationary and then more active and vigorous: Broken into fragments by removal and almost overwhelmed by the dire calamities of war, it is marvelous that they have continued to exist and still more marvelous that their powers of recuperation have sustained and impelled them onward. Aside from the influences upon their character, resulting from their intercourse with the whites upon their borders and in their visits and trading expeditions to Augusta, Ga., and Charleston, S. C., the most potent factors in their advancement and preservation have been the missionary and the teacher, whose functions were often blended in the same person. In their sphere they may be classed as one.

The subject of education in its more restricted sense among the Cherokees readily classifies under these heads: Private schools, mission schools and national schools. Under the first head, my information is extremely limited. I simply know that Daniel Sullivan, a Scotchman, was the first pedagogue who plied his vocation within the limits of the nation, his introduction having been specially authorized by the chiefs and councilors of the Cherokees, about the beginning of the present century. Other schools of the kind were afterwards taught in the country east of the Mississippi as they have been and are now sometimes taught in this country, and youths were occasionally sent then into the states as many as are now sent, to be educated. In regard to schools supported by benevolent boards and which were the chief, as they were for many years almost the only fountain of instruction to the children of the country, our sources of information are more generous. Rev. T. M. Rights informs me that about the year 1737 an attempt was made by the Moravians to spread the gospel among the Cherokees. This was doubtless the first attempt of the kind made in their behalf, but it was fruitless. In 1783 they were visited by Rev. Martin Schneider at Sitiko; in 1799, permission was given the same brotherhood to establish a school; in 1810 a school mission was established at Spring place, now within the state of Georgia, where in 1805, a school was opened by the Rev. John Gambold, whose memory was cherished long years after his death by the Cherokee people. A second station was established at Oochelogy in 1819. The missionaries of this denomination followed the Cherokees in 1838, in their removal to this country and settled on the Barren Fork, whence, two years later, they removed to Beattie's Prairie and established a station. In 1842 New Spring place was begun and that station and the one near here, are now occupied. At these stations schools were taught at different times, while a number of Cherokee children have attended their schools in North Carolina, Pennsylvania and Indiana.

The Methodists began their labors about 1820 and had a number of ministers at different times who combined preaching and teaching, but I have not been able to learn who or how many of them were engaged in teaching before the removal to this country. I know two of them, Rev. Phineas Scruggs and Joseph Miller, who taught at different points in Wills Valley, and whose schools were the first I attended for a short time in early childhood. Dr. John Hanna, the late Dr. McFerrin, Rev. Wm. McMahon and others labored as preachers. They have now one school, I believe, at Webbers Falls and contemplate the early establishment of Galloway college, at Vinita, where a grant of 160 acres of land was made them by the National Council under the terms of the treaty of 1866. Rev. Mr. Posey, of the Baptist church, came among the Cherokees in 1817 as a preacher. Rev. Evan Jones, of that denomination, established a station with a school connected in 1820, at the Valley Towns, now in North Carolina, among the full Cherokees, which was continued down to the removal in 1838, another school at Tunsewattu in 1821, which was afterward moved west. The influence exerted by Mr. Jones was wide and permanent and is continued to-day at the institution on yonder hill, and which has reaped the benefits resulting from the ability and experience of Rev. Daniel Rogers and Prof. Bacone, now principal of the Baptist University at Muscogee.

But no denomination has exerted a larger if so large an influence as educators among us as the Presbyterians. At my request the Rev. A. N. Chamberlin has furnished me data in regard to their educational work, which I will present partly in his own language: "In 1803 Gideon Blackburn, D. D., established a school at Hiwassee, in the northern part of the nation, (eastern) under the general assembly of the Presbyterian church or by their advice. In 1806 he had two flourishing schools, the second established in August of that year opened with thirty scholars. In 1807, Mr. Blackburn visited the northern states in the interest of his school work, making a tour of seven months duration and collected for his work $5,250 besides a large quantity of "books and clothing." In 1808 he made a tour of six weeks' duration through the Cherokee Nation and was much encouraged by the marks of progress among the people. He was prevented by the want of means from establishing more schools. In 1809 he made a similar tour which occupied him twelve weeks, but on account of failing health and want of means was forced in 1810 to give up his work. The war with England coming on nothing more was attempted by this denomination for several years. But in 1816 the American board sent out Rev. Cyrus Kingsbury, who located Brainerd, near the now historic "Missionary Ridge," in 1817. In September, 1818, the board reported sixty children and youth comfortably lodged, fed and instructed for the present world and for the world to come. Other missionaries arrived including Rev. Ard Hoyt, Wm. Chamberlain, Wm. Potter, Rev. Mr. Berkrich and their families, and later, Dr. Worcester and Butler, and other stations were established. Time will not allow me to name them, but the following named schools which were mostly boarding schools, and attended by from 25 to 100 pupils may not be omitted. Schools east of the Mississippi river were opened and continued as follows, to-wit: Brainerd, from 1817 to 1839; Carmel, from 1819 to 1836; Hightower, from 1823 to 1831; Hawais, from 1823 to 1834; New Echota, from 1827 to 1834; Ahmohee, from 1831 to 1833; Creek Path, from 1820 to 1837; Willstov'n, from 1823 to 1839; Candy's Creek, from 1824 to 1837; Red Clay, from 1835 to 1837; Running Waters, from 1835 to 1836.

Among the Cherokees west of the Mississippi, Dwight 1821, transferred from Ark., 1829, and continued to 1860; Mulberry, 1828, transferred from Ark., 1829, to Fairfield, and continued to 1860; Forks of Illinois, 1830 to Park Hill 1836, and continued to 1860. The two schools first mentioned were boarding schools, but that at Park Hill was a day school.

To the founders and supporters of these benevolent institutions and to the active laborers, male and female, who endured the trials and privations, the care and anxiety, and some of them imprisonment itself, and whose mortal remains are mingled dust to dust in this land of ours, to-day, let due recognition be given and full gratitude be awarded.

In passing from the important part in educational work among us of these societies to our own it is eminently proper that a becoming tribute should be paid to Sequoyah and his invention. The genius which gave to the Cherokees an alphabet of their own language, so simple in structure and so readily acquired is not to be guaged by the standard of ordinary intellects, nor its influence estimated by the figures of arithmetic. From its completion, I believe in 1824, to the present hour it has been the medium through which many of our people have acquired information and knowledge, which otherwise would never have illuminated their intellects or gladdened their hearts. True literature in the vernacular is a stream so small as to trickle along a narrow channel without even the noise of a bubbling brook. But it has refreshed and gladdened many native minds as a medium of correspondence between separated friends and made the mass of the people familiar not only with much of the current news of the day but with their constitution, laws and treaties with the United States and compacts with their neighboring treaties, and with papers and documents relating to their public affairs. Then who shall measure the extent of its beneficence when guided by the scholarship of men like Samuel A. Worcester, Elias Boudinot, Evan Jones, John B. Jones and others, in translating the sacred scriptures and sacred songs, which are read and sung in the congregations of the people on Sabbath days and night and morning around the family altars, where in the homes of the humble log cabin as Cotter's Saturday night:

"The parent pair their secret homage pay,
And proffer up to heaven the warm request,
That he who stills the raven's clam'rous nest
And decks the lilly fair in flow'ry pride
Would, in the way his wisdom sees the best,
For them and their little ones provide,
But chiefly in their hearts with grace divine preside."

With whom the idea of creating a permanent school fund for the education of Cherokee children originated is unknown to me. It may have been with some one of the early missionaries, whose labors pointed to its necessity; it may have been with Mr. Calhoun, who was secretary of war, or with the Cherokees themselves, who then, as since, had men of thought and forecast. But with whom is a question of small importance in comparison with the fact that it existed and took definite form, that adoption succeeded conception and that it was carried into effect in the treaty of 1819 with the United States. That treaty set apart a valuable tract in a cession of their lands, the proceeds of the sales of which were to be invested and the interest thereon expended for the education of Cherokee children. The permanent fund thus created was enlarged by the treaty of 1835 and an orphan fund created, and still further enlarged by the treaty of 1866. The signers of these treaties contained names of men prominent in the history of the Cherokees, and some of whose descendants are here to-day participating in these deeply interesting exercises, and pushing onward by their example and influence the cause so honorably and so wisely begun by their forefathers. If time allowed it would be a grateful privilege to pay a becoming tribute to their names and memory. To some of them I will not resist the temptation to refer.

Charles Renatus Hicks, of whom it is said he seems to have been more than any other native of his time, the means for great good to his people. In 1799 he gave the Moravian Brethren, Steiner and de Schweinitz, on their first visit all the help and influence he possessed with the chiefs, was baptised in 1813, being the second convert to Christianity, was assistant chief, principal chief and treasurer of the nation, died in 1827 in the 60th year of his age, and was buried at his own request at Springplace, the mission station. Gideon Morgan, an adopted citizen, Colonel of the Cherokee regiment, and who greatly distinguished himself in the war of 1812; John Martin, judge and treasurer of the nation, and who was the son of Joseph Martin, one of the commissioners on the part of the United States, who negotiated the treaty of Hopewell in 1785 with the Cherokees; George Lowery, whose adventurous spirit in youth took him to the shores of the northern lakes, who was a major in the war of 1812, long assistant chief of the Cherokees, and whose monument in the cemetery of this town bears an inscription honorable to his ancestors, and John Ross *clarum et venerabile nomen*, who, as principal chief, laid the corner stone of the Female Seminary building, whose greatly regretted destruction by fire made necessary the erection of this building on the 21st day of June, 1847.

The first printed law relating to the subject of schools which I find in our books is dated Oct. 26th, 1820, and provides that parents who fail to return their children who may run away from mission schools shall be responsible for their board, tuition and clothing for the whole time they attended school. In 1826 Elias C. Boudinot was appointed editor of the Cherokee *Phoenix*, at New Echoba, Ga., and in 1829 Stephen Foreman, assistant editor. The *Phoenix* was the first newspaper printed in the Cherokee Nation and was in both English and Cherokee. It was continued several years and had for its editors after Mr. Boudinot, Elijah Hicks and Richard Fields. The Cherokee *Advocate* was the second paper owned by the nation and the first, I believe, printed in this nation and territory. The first number was issued at Tahlequah, Sept. 26th, 1844. November 9th, 1844, James D. Wofford, who still survives, was announced as translator.

A law fixing a penalty for violations of the Sabbath and suspending business in the councils of the nation, is dated Oct. 4, 1823. A convention to frame a constitution and recommending suitable delegations to be voted for by the people was authorized. In 1826, Geo. Lowery and David Brown were appointed to translate the laws and the New Testament into the Cherokee language.

The school fund arising under the treaty of 1819 was small and was expended, but when, I have not ascertained, under the direction of the president. The period was one of great anxiety and difficulty and terminated in the removal of the eastern Cherokees to this country, and in 1839, to the adoption of the present constitution. As before remarked, the treaty of 1835, materially increased the general school fund and created an orphan fund and authorized a seminary for advanced education. These funds were greatly increased by the treaty of 1866 and subsequent acts of the national council which were ratified by congress.

The first act, under our present government, creating public schools bears date Dec. 16th, 1841. Its first section recites: "That for the purpose of placing the means of a common school education within the reach as nearly as possible of every person, there shall be established throughout the nation, *eleven* common schools according to the following ratio, viz: Two in Delaware district, two in Goingsnake district, two in Flint district, one in Canadian district, one in Skin Bayou (now Sequoyah) district, one in Tahlequah district, and one in Saline district, the present district of that name and which then included all the country west of Grand river. The Rev. Stephen Foreman was the first superintendent, with a compensation of $300 per annum. The minimum number of pupils, except in extraordinary cases, necessary to secure the location of a school was twenty-five and the maximum attendance allowed was sixty. A bill was passed Dec. 19th, 1842, looking to the establishment of an Orphan Manual Labor school, but it was not carried into effect for the want of adequate means and was afterwards repealed. The sum appropriated for the support of the schools in 1842-3 was $2,257.30. In 1843, it was $5800, $300 for salary of superintendent and $2200 for board and clothing of orphan children attending the public schools. Seven additional schools were added Dec. 23, 1843, one to each of the districts named excepting Canadian, the school year divided into two terms of five months each, the pay of teachers reduced from $500 to $400 per annum, and the names and ages of orphan children attending the schools were required to be reported to the national council, and their board not to exceed $4.00 per month. An examining board was created in 1849 and amended ten years later so as to require applicants for appointment to teach, to give a declaration of belief in the truth of the Christian religion and a credible certificate of good, moral character.

An act for the establishment of two seminaries, or high schools, one for the education of males and the other of females and for the erection of buildings for their accommodation, was approved Nov. 26th, 1846. The objects for the establishment of these schools were declared to be "to carry out to a further degree of maturity the national system of education already commenced and in which all those branches of learning shall be taught which may be required to carry the mental culture of the youth of our country to the highest practicable point." The act of Nov. 12th, 1847, made further provision for carrying the act of 1846 into effect and prescribed the whole plan upon which the schools should be conducted. It placed them under the control of a "Board of directors of high schools in the Cherokee Nation," to be composed of five persons and of which the principal chief should be ex-officio president, the members to be nominated by the chief and confirmed by the senate, and who shall hold their office for the term of four years, one of the number was to be clerk of the board, his services were rewarded by the salary of one hundred dollars per annum, while those of the other members were honorary. Stewards were provided for, the age and grade of scholarship fixed for entrance, a four years' course prescribed, and the compensation of teachers male and female fixed at the same price. It was a collegiate system, but was on a free basis and too expensive for the funds at command. Both schools were on the same plan, and were opened for the admission of students in 1850. The first teachers at the female seminary were Miss Ellen Whitmore, of Massachusetts, principal, who was married at the residence of the principal chief to Mr. Goodale, and went to the Sandwich Islands, and Miss Sarah Worcester, who was married at the seminary building to Dr. Daniel D. Hitchcock, who sacrificed his life to professional duty during the prevalence of the cholera at Fort Gibson in 1867. Miss Eliza Jane Ross was soon added as a second assistant teacher. Those who succeeded were Miss Johnson, now Mrs. Dr. Loughridge, of the Creek Mission, and Miss Avery, of Mass., who became the wife of Rev. Mr. Woodford, a graduate of Yale College, who was the assistant teacher under the Rev. Thos. B. Vanhorn, principal, late a chaplain in the army. Miss Lotta Raymond, of Connecticut, was also one of the teachers of the seminary in connection with Miss Avery. Four of these ladies, Miss Whitmore, Miss Worcester, Miss Johnson and Miss Avery, were educated at Mt. Holyoke, Mass., Miss Ross, at Bethlehem, Va., and Miss Raymond, in Philadelphia. Mrs. Loughridge, Miss Ross and Miss Raymond are still living, while the others have passed between the silent portals, but who, well as the living, are remembered for their purity of character and devotion to duty. After the war the seminary was re-opened by the appointment of Miss Ella Noyes, of Massachusetts, another graduate of Mt. Holyoke, assisted by

Miss Abbie Noyes, of Kansas. Then followed the enlargement of the seminary buildings under an act of the national council, ratified by an act of congress, approved June 5th, 1872, setting apart from Cherokee funds $75,000 for the education of indigent persons in the Cherokee Nation, the sum of $25,000 additional to the orphan fund, and $25,000 to found a home for the blind, insane, deaf and dumb persons. The primary departments of the seminaries were established by act of the national council, Nov. 28th, 1873.

The orphan assylum was established by act of the national council, approved March 25th, 1871, and permanently located by the act of Nov. 29th, 1873. This institution first went into operation at the male seminary in 1872, and was removed to Grand Saline in 1875. The Rev. Walter A. Duncan and the Rev. Joseph F. Thompson have been the only superintendents of this assylum, which has borne its share of the burdens and honors of advancing civilization among the Cherokees. I would like to name all the teachers and matrons who have contributed their efforts in the work done there, but I cannot recount them. No institution is nearer to the hearts of the people than this, the nursery of the Nation. May its inmates be shielded from scorching flames, from destroying epidemics, from pollution and impurity, and may it remain a home for the helpless, the homeless, the fatherless and the motherless, and accomplish all the ends for which it was founded and which many so earnestly hope may be accomplished.

The national male seminary authorized, erected and put into operation at the same time as the female seminary has performed its part in the advancement of the day. It would be becoming to name its teachers living and departed, but the length of these remarks does not allow me to do it. Those who are indebted to it for much of the learning they have acquired are filling different positions of usefulness and distinction in our country, and we trust higher honors await its sons in the coming years. The presence of the members and faculty of this institution is evidence of its present prosperous condition. May ingratitude never stain their names. May they never raise a parricidal hand against our common government and country. May they ever be men, noble and true, the defenders of the weak, the protectors of innocence, above treachery, above falsehood, above bribery and corruption.

The enlargement of the buildings and the admission of pupils to the primary and intermediate classes largely increased the attendance at the seminaries and doubtless extended their sphere of usefulness. Time will allow me only to mention the names of the ladies who have at different times since held positions at the female school, some for a short time and others for a longer period and several of whom on account of their attainments, fidelity to duty and beautiful characters are worthy of more than this brief mention. Miss Putman, Miss Gray, Miss Thayer, Miss Lizzie Ross, Miss Eloise Butler, Miss Morse, Miss S. Lipe, Miss May Stapler, Miss Lilia Breedlove, Miss Owen, Mrs. Sevier, Miss Ella Adair, Miss Mary Brewer, Miss Ada Archer, Miss Mattie Cobb. The faculty as constituted in 1886–7, was Miss Florence Wilson, of Arkansas, principal; Miss Kate O'Donald, of Missouri; Misses Belle Cobb, C. J. Ross and Emma Breedlove, of the Cherokee Nation; Miss Rosalie Bell and Prof. J. H. McKirahan, were teachers of music. Surrounded by more than one hundred misses and young women, who were quietly and successfully pursuing their studies, their labors were brought to an abrupt end Sunday, the 10th of April, 1887, by the burning of the building, a calamity hitherto unknown in the history of the country.

I had seen the corner stone of that building laid; I had seen its enlargement; I had been familiar with most of its history and have known its teachers and very many of those who had passed from girldhood to womanhood within its walls, and I shall not forget with what deep regret I beheld its smouldering ruins, its fallen walls and blackened columns, and still more, its homeless inmates and distressed teachers as they were grouped in squads on the ground in the midst of remnants saved from the disaster. The end had come to the pride of the nation. To much for the past, what of to-day? To-day there are in operation within the limits of the Cherokee Nation, Worcester academy, under the auspices of the American missionary society; Cherokee academy, at this place, under the Baptist missionary society; Hogan institute, under the Cumberland Presbyterian church, and the schools at Tahlequah, Park Hill, Dwight and Pheasant Hill and Canadaville, under the women's missionary society of the Presbyterian church. A Moravian school near this place, one orphan asylum with a superintendent, five teachers, about 140 children of both sexes and the necessary matrons and attendant physician, and one male seminary with a principal, four assistants and about 140 pupils with a steward and necessary assistants, domiciled in a commodious brick building with suitable appointment; one hundred primary schools in 1886-7, with 103 teachers, of which 89 were natives, 33 speaking both languages, 9 adopted, 4 non-citizens, 9 colored citizens and 5 non-citizens, with an aggregate attendance of 4,115, an average attendance of 2,452, taught for 9 months in the year divided into two terms. The appropriation of Cherokee funds made on account of schools for that year including the orphan asylum was $83,000, and $57,500 for the erection of this building, making a total for the year $140,500. The cost of this building being $57,000.

These schools are under the support and control of the Cherokee Nation. There are also several children at the Minerva Home, the Harrell Institute and the Baptist University, in the Creek Nation, and others at seminaries and colleges in the states. There is one weekly journal supported by the Nation and printed in English and Cherokee, and three others by individual enterprise.

The past with all the upheavals of removal of war and attending domestic differences; with its doubts and mistakes; with its honors, rewards and successes is gone, except for the lessons of wisdom and strength that we may gather from it. Let it remain behind us, with the future ahead bright and hopeful.

And now what of this occasion of this gala day, with its hopes and promises. All nature seemingly smiles with sympathy on our efforts and aspirations. How bright and beautiful the waters of yonder brook; how green the expanding bud and leaf; how beautiful these native flowers; how rich in promise garden, field and outstretched plain; how delicious the balmy air, freshened by the gentle rains, which swells our hearts and gives healthy impetus to the blood which courses through our veins and fills our hearts with becoming gratitude for the privileges aed blessings we enjoy in homes and country, and as families blended in a united community. May we not except those as omens of the future before the new building whose corner stone we are here assembled to aid in laying well with becoming ceremony, which will soon arise upon a solid foundation, large of capacity, beautiful in design, durable in structure and chaste in finish, and to be devoted to the noble work of female education. For this institution to be here I ask no higher honor than that it may be worthy of its predecessor. May its stewards and matrons be like unto Elzier Butler and Hamilton Ballentine and their companions, and others whom I may not enumerate, in dignity, intelligence and of peculiar fitness for their positions. May the guardians appointed by the authorities of the nation to exercise supervision and authority over its management be men of character, and learning and integrity and patriotism. May its teachers be learned well in what they teach, apt in imparting knowledge, skilled in governing, refined in manners, cultivated in taste, pure in sentiment and imbued with Christian virtues and their practice.

Then will the daughters of our country be properly trained for the duties, the responsibilities and the realities of life, be deft of finger, cultivated in mind, diligent in habit, self-governing, self-reliant, self-sustaining, self-protecting, ornaments in society, blessings in the home circle and influential in shaping the characters of their own sons and daughters and thus guiding the destiny of their people. With such a character, our thoughts may follow it down the coming years, like a flowing stream enriching its banks and increasing in volume until lost in the remote future and feel thankful that it was the creation of our hands, the pride of our hearts and the suffering of our patriotism to posterity.

## ADDRESS AT THE MALE SEMINARY TO A GRADUATING CLASS AT TAHLEQUAH.

A short time since there was unveiled in the City of Washington, a monument erected in honor of the memory of Joseph Henry, late secretary of the Smithsonian institution. The occasion was honored by the presence of men eminent in the walks of official and civil life and whose names are known and respected wherever the light of civilization has dawned. And this memorial henceforth will hold its place among the piles and statues of polished marble and enduring brass which adorn the magnificent buildings and beautiful squares of the national capital in commemoration of the services rendered by the illustrious statesmen, generals, scholars and heroes of this great republic. It is just that future generations should be taught thus to reverence the memory of great benefactors of mankind. But by the impression he made upon the lives of the large number of educated young men who passed under his instruction while a professor of natural science, by the larger number of persons who experience the benefits of his wise administration, of the bequest for the diffusion of knowledge among men and the world at large, through his discoveries in electric and magnetism utilized in the electric telegraph which bears its silent but instantaneous messages across continents and oceans throughout the habitable glove he left a fame ubiquitous and ever flowing onward with the stream of time. Years ago, not a few, it was my lot to be numbered among those who were privileged to attend the lectures of this already eminent man, who was admired for his simplicity of manners, reverenced for his learning and beloved for his paternal kindness. At the close of his lectures he sometimes indulged in a few words of encouragement or friendly advice to those who were soon to go forth to meet the realities of life. On one of these occasions he said: "That it was the duty of every man not to leave the world worse for having lived in it." These words were few, simple, commonplace, a child might have spoken them, yet they were great in their simplicity, great in the lesson of truth they conveyed. They deserve to be embalmed with those short and pithy words found among ancient and modern writings, which compress within a few syllables, whole volume of thought and truth, which awaken, strengthen and sustain the slumbering intellect, the fool's conviction and the faltering purpose. Know thyself, be just, love thy neighbor as thyself; short, sharp, concise, these words teach lessons of self-knowledge, of justice and kindness, more forcibly than whole pages of argument and illustration.

Years have come and gone since these years running over with great events, with the clash of arms, with the startling discoveries of science, with the wonderful achievements of inventive skill and a development of the resources of peaceful industry, of the capabilities, of the material, intellectual and humanitarian qualities of those unsurpassed, unequalled in the history of the world. But these few simple words retain their place in memory, associated only with a regret that their full import has not been more fully appreciated.

And now in addressing an audience composed so largely of youth whose journey lies before, I desire to remind them not to leave the world worse in any respect because they have lived in it.

Life, how mysterious! To live, how wonderful! How incomprehensible! To live in this world and at this stage of its history, endowed with attributes to enjoy its beauty, its grandeur, its sublimity, what a blessing. To inhale the sweet odors of garden and forest, to taste the fruits, field and orchard, to hear the varied notes of the birds, the whisperings of the balmy breeze, the roar of the cateract, the crash of pealing thunder; to behold at a glance the modest violet, the outstretched plains, the heaving ocean and the spacious firmament on high! And to live now, at an era excelling all that have preceded it in activity and achievements. Life at such a time you may not too highly value. Great beyond measure are its privileges—not less great its responsibility. These privileges, this responsibility is upon you, not collectively, not as a school, but individually. They are yours. You cannot avoid them. You must follow each one for himself its walks; walks which lead, as you may elect, into gloomy cells of disappointment, failure and despair, or into chambers of success and joy and honor greater than are often accorded the possessor of glittering wealth or the occupant of royal palaces. The idle, the vicious, the impure and the corruptors of their associates are those who do not leave the world as good as they found it; the industrious, the pure, the exemplary in word and deed, are those who leave it better. You would avoid the former and belong to the latter class. Then allow me to say: *Seek knowledge and use it.* That will tend to safety, to pleasure and to usefulness. The contrasts between a life devoted to acquiring and applying knowledge and one wasted in idle indifference and stolid ignorance, are too striking to remain unnoticed. The only aim of the latter seems to be to eat, to drink and to sleep. Listless and fixed to their favorite lounging places but for their ability to move their jaws they would be like unto the idols of wood, which having the rude image of humanity see not, feel not, hear not! Such persons, but for their habits of consumption, are mere ciphers, who in estimating their value to the community possess at least two of the qualities which belong to their representative in arithmetic, standing alone they are naught, standing as decimals they diminish the value of the figures behind them as their number is increased. There are others whose pride is self-indulgence, to fare sumptuously, to dress elegantly, but at the same time to keep their hands unsoiled by coming in contact with the rust and dust of honest industry. These I imagine are the western imitation of the eastern "dude." Besides these are the beasts of prey of the human family, the wily foxes who rely upon their cunning for their three meals a day, the sneaking wolves who climb over the walls of the sheep folds, the powerful lions who seize and mangle and craunch the flesh and bones of friend and foe alike, and the fierce hyenas who desecrate the graves of the mouldering dead. These classes are found in every community and I name them here for your watchful avoidance and abhorrence, lest you allow yourselves to become imperceptibly identified with them. You now shrink with a hair raising shudder from the shadow itself of these more dangerous class of such persons whatever the sex. But we know not what may be our own future. I have seen young men of respectable parentage and refined training and associations descend prematurely to the graves of polluted debauches. I have seen professional men of learning and skill clanking the chains used to shackle the limbs of dangerous desperadoes. I have seen men distinguished for valor clad in the striped garb of the convicted felon, and statesmen of eminence self-degraded beneath the swine of the wallow.

Only a few weeks ago we read with bated breath, filmy eyes and swelling emotion, the terrible doom which befell the miners at Braidwood, Ill. The recital is short, simple, harrowing. Away down in the bowels of the earth were hundreds of poor, begrimed sons of toil, who with pick and shovel, barrow and truck, earned a meager support for their wives and children, clustered in hût and hovel. Above them, but unfelt and unseen, were the varying scenes of earth and sky, sunlight and starlight. Above them, too, were clouds and rain, and streams overflowing their banks and flooding the country around. No tongue can depict the terror, the horror, the anguish, the despair which filled those dark caverns; those low, narrow, rayless passages, as the angry waters broke their barriers and rushed in angry, hissing surges and overwhelming volume, seeking, finding and possessing, and filling up every opening and crevice. The fate of the hapless creatures, more than three score and ten in number, who confronted and struggled with and were overcome by death in those gloomy regions, was more appalling than that which overwhelmed those in ancient times amid appalling grandeur, when the waters covered the whole face of the earth. Nor can we realize or portray the sorrow, the tears, the agonized wail of their wives, the mothers and their children, as they stood day after day and night after night, as the powerful, tireless engines worked and worked and worked, and still worked thro' weary days and weeks, to make those depths below yield up their victims; but in vain, and the saddened watchers turn away in sorrow, leaving their beloved ones where they fell until the earth shall yield up its dead.

But, one by one, more than three score and ten in our midst reach a fate more fearful than that of the coal miners of Braidwood. The bottle, the gaming table, the dagger, the revolver, premature disease, the gallows and the hard crushing wheels of the locomotive give into the embrace of death more pitiable victims than flooded mine or devastating cyclone. There is no safer retreat, no stronger safe-guard than a fixed purpose in life and a sedulous, persistent pursuit of the means for its accomplishment. It will form and strengthen tastes and habits which will shut out the stealthy advances of temptation which infests the atmosphere which we breathe, and furnishes mailed armor to ward of the darts off danger which hurtle along our pathway in life. The strongest may fail to acquire the wealth, attain the position or win the fame which some time or otther in the early years of youth and manhood make their impress upon the mind and seem to be within easy grasp, but they only reach the end aimed at who strive to reach it.

For your own safety, form early habits of thought and appreciation, and pursue a chosen course, whether it be in the field, in the counting room, in the library, or the so-called learned professions. The compass would be of no use to the mariner in sailing over broad and tempestuous oceans, if he failed to read its warnings and to obey them by keeping the prow of his vessel towards the port of destination.

Again the acquisition and use of knowledge affords unalloyed pleasure and ecstatic joy far beyond the mere gratification of the appetites of nature; no devotee of drink in his wildest orgies; no gormand feasting upon the choicest delicacies gathered from land and sea; no mere sensualist ever experienced the delight that thrills the bosom of the man who succeeds in explaining the hidden mysteries of science, or in applying those already discovered in the moment of his triumph. Think of Columbus as he stands upon the bow of his deck and beholds the outlines of the new world. Think of Washington as he laid down his victorious sword in establishing the independence of this great republic, and of Grant maintaining it. Think of Madison in framing the constitution and of Webster in expounding it. Think of Ben Franklin, the printer boy, walking along the streets of Philadelphia with a loaf of bread under his arm, and of the electricity that came trickling down the string of the school boy's kite and thrilled his hand. Think of Fulton and his steamboat, of Morse and his telegraph, of Watt and the steam engine. Think of McCormack and his reaper, of Edison and his electric light, of Bell and the telephhone, of Howe and the sewing machine, of the discoverer of the qualities of ether and chloroform, and then tell me there is no pleasure in acquiring and using knowledge. Let us go back to the mountains and valleys and bubbling streams of the homes which our people occupied when first seen by the Europeans, three-quarters of a century. Their government was largely that by the chiefs and head men, but few laws had been reduced to writing, no constitution had been formed. A few mission schools existed and the foundation of the present school fund of the nation been laid. Roads were few, wagons scarce and agricultural implements simple. Far different was the condition of the country from what it is now. Among the natives of the country who had grown up under such circumstances was a man of small statue and infirm from a painful disease. He was not particularly distinguished from his neighbors, wearing the costume of his people, the turban, the hunting shirt, leather leggins and moccasins, of a mechanical turn, he made a bellows himself, placed it in a forge, procured a few tools and occasionally plied the trade of a blacksmith. Then he became a silversmith and wrought spears, finger rings and bracelets. Observing the advantages enjoyed by the whites from the use of printing and writing the thought occurred to him that he could reduce his native tongue to a similar system. Although not knowing the English language or a letter of its alphabet, the idea once conceived resolved into a fixed purpose and he earnestly began his difficult task. It took entire possession of the man. He became a recluse and neglected everything else. His countrymen thought him bereft of reason and his wife worn out with his constant devotion to his work, is said to have lost her patience and in a fit of vexation to have seized his manuscripts if such they could be called and committed them to the flames. But no such cruel treatment dampened his ardor or relaxed his efforts. He calmly resumed his labors and accomplished one of the greatest achievements of modern times. As the result the Cherokees have to-day a written and printed language peculiar to themselves, and the means of acquiring information and knowledge through books and papers and correspondence, from which previously they were separated by their ignorance of English by a barrier loftier and more impenetrable than the great wall surrounding the empire of China. That untutored but subtle genius has gone to the spirit land. His body moulders in an unknown grave upon the soil of Mexico, but his name lives and will live while letters survive the ravages of time. What emotion swelled his bosom and made tremulous his pen as the hour approached when success placed her crown upon his head. The feverishness of sleepless nights, the weariness of much work, the rack of wavering hope and doubt, the sneer of the thoughtless and the biting sympathy of incredulous friends were all forgotten in the delight which must have stirred every cord of his heart. Sequoyah! Well may the great trees of California bear thy name upon their lofty crests.

But I have said that the pursuit and application of knowledge was not only the source of safety and pleasure, but usefulness. The applied knowledge of the architect was stately buildings of strength and beauty. It sends along these wires messages, as quick as thought, to all quarters of the world. It guides great steamers across gulf and seas, freighted with the treasures of commerce. It conducts canals across narrow isthmuses which separate oceans. It erects great bridges and unites Brooklyn and New York, and the President of the United States calls in person upon Engineer Roebling to honor his achievement. But you tell me there is but one Mississippi River, one Niagara, one Mount Hood within the United States; that these grand achievements, these world-moving wonders belong to the favored few, to those rare plants which bloom only once in a century. Admit it! But remember that what man has done, man may do again. Falter not; you may not reach such towering summits, but every step upwards will elevate you and increase the field of observation below.

Allow me to illustrate again. About the time Sequoyah had demonstrated his invention, perhaps in 1825, there came into the Cherokee Nation east of the Mississippi River, under the auspices of the American board of foreign missions, a young man imbued with the spirit and purpose of laboring to elevate the moral and religious character of the Cherokee people. Leaving behind the comforts and the culture of a New England home he entered zealously and determinedly upon his chosen field of labor. Convinced that the invention of Sequoyah was destined to be an important means of obtaining access to the Indian understanding and thus disseminating among them the great truths he had come to proclaim, he soon mastered the new alphabet and began the study of their difficult language. And to this work he devoted largely the years of a laborious, patient, painstaking life. He was thus enabled to place before them translations of the New Testament, portions of the old, a collection of hymns, an annual almanac and various tracts and minor publications. In addition to these labors he preached with great regularity and kept alive by his personal influence and presence, a missionary school and temperance aid bible societies, holding regular meetings, marshalling on stated occasions the children of the country under banners, songs and public addresses.

An event which illustrated the stern devotion of Mr. Worcester to the convictions of his judgment and the dictates of his conscience and his abiding regard for the Cherokee people is placed in burning letters upon the page of American history. I refer to his trial, conviction and confinement as a common felon along with his worthy companion, Elizur Butler, for more than two years in the penitentiary of the state of Georgia. How strikingly was it shown in their case that it is the crime not the punishment inflicted that may disgrace its victim. No crime stained their hands nor rested upon their consciences. They had neither burnt, stolen, murdered nor assaulted, but simply declined as American citizens to yield to the iniquitous measures of injustice, annoyance and rapacity enacted by that state and enforced by ruthless officials, under the shining sun of the 19th century, for the purpose of wearing out the forbearance of the Cherokee people and either forcing them from their native homes or in a frenzy of despair to commit deeds of desperation that would excuse their extermination. These acts invoked the highest interest and aroused the indignation of the entire virtuous community and enlisted in their behalf the ablest talent. Legal proceedings were instituted and the case carried to the supreme court of the United States. That august tribunal with the great John Marshall at its head reviewed the whole Indian question and sustained the rights of those outraged missionaries. But might was superior and its mandates were not enforced.

I did not become personally acquainted with Mr. Worcester until 1842 when he was stationed at Park Hill and then knew him until his death. The last time I saw him he was upon his bed suffering severely from the painful disease that ended his earthly career. Simple in manner, plain in garb, modest in intercourse, frugal in habits, cheerful in disposition, conscientious in action, fearless in asserting the right and wholly consecrated to the noble calling of his life, he was faithful to its close. Contumely, reproach, excited criticism and prison bars, never permanently tarnish a character like his or destroy it. Nor can it be doubted that amid all his trials and self-denials, his life was well spent and is worthy to bear the name of this institution, however large its dimensions may become, and though it shall endure until age dims its foundation walls. Safety, pleasure, usefulness and fame follow the footsteps of such men.

Let neither parent nor youth forget the spirit of the age in which our lot is cast, nor wnat may be the condition of the situation here long before many within the hearing of my voice shall wear the crown of old age. Open your eyes and contrast the changes which have occurred in the last quarter of a century. Great and populous states and territories lie before, behind and all around us. These prolific hives continuously send forth new colonies which flit athwart our vision or hover over our heads. Reapers and cultivators have consigned the cradle and the scythe to the curiosity shop. Railroads and telegraphs and labor-saving machines too numerous to catalogue have more than doubled the possibilities of human life in many of its pursuits. The great cattle kings, the Nebuchadnezzars of the present day, have usurped the grasses and driven the shaggy bison from his native plains. Activity prevails everywhere. "Grit and grip" and "get up" alone may expect to keep in the front rank of the entries on the course of life. Those who would not be distanced must begin early and train on and on. Men do not now leap forth full grown, armed and equipped as is said in ancient times to have sprung from the brain. They are infants and children first, and then, sometimes, men. The engineers who run daily the powerful locomotives which trail behind them along these iron rails, long trains burdened with merchandise and precious life, require knowledge, nerve and steadfastness acquired only by long experience. The equestrian who rides with grace and dash his beautiful horse without bridle or saddle around the ring of the circus does so only after the skill and confidence obtained only by renewed effort following every failure. The great astronomers of the world occupied in ascertaining the distance of the sun from the earth as the result of their observations of the transit of Venus, last November, began by learning to count their fingers. And so must it be with you if you aspire to wealth, to respectability, to usefulness.

Avenues radiate from this academy itself in every direction, which followed will lead to competence, to usefulness and distinction. The flowers and plants and grasses of these plains and forests invite the attention of the botanist. These fields of coal and ores demand the pick and hammer of the geologist and mineralogist while the entomology and ornitholgy afford a wild scope for study and collections. The history of the Cherokees and the numerous tribes who dwell within the Indian Territory is largely unwritten and contains material which is now passing away, but if carefully preserved in appropriate style will obtain for its author a place in the memory or remote posterity. These fruitful soils demand and will richly reward more careful and intelligent cultivation at the hands of the farmer, the stock-raiser, the gardner and the horticulturist. Our court and school houses and legislative halls demand increased knowledge, culture and stern devotion to the faithful discharge of duty, while the great fields of moral and religious instruction and steady improvement call aloud for help in almost every community in the land. The material inheritance passing rapidly into the possession of those coming on the stage of action, its lands, its friends, its rights, its privileges and its moral, social and political preservation and elevation is of inestimable value of priceless consideration. It calls in pleading tones for intelligence, for industry, for energy, for fidelity, for honor above suspicion and for that fixedness of principle which fired the soul and nerved the arm of Martin Luther, the great reformer, who avowed that he would go to Worms in defense of his cause though every tile on the houses along his way were a devil and they should combine to resist him. In view of this solemn trust what will be your conduct? what your action? Your own honor is at stake, the happiness, the wealth, the life of your children and your country are all involved in them. Will you be drivelling nobodies, aimless, indifferent, stolid, excuseable, degraded yourselves and degrading others, consuming your substance in idleness or wasting it in riotous living, or will you assert and maintain your manhood, firmly resolved that when death claims your feeble body, your works shall still live, and that your name shall be remembered as that of one whose life was a blessing.

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## ADDRESS BEFORE THE TEACHERS' INSTITUTE AT TAHLEQUAH.

"Quit yourselves like men," was the injunction laid upon one of two contending hosts. The battle was long and hotly contested, but rout and slaughter followed to thousands of the opposing foe. Pertinent, when attend these words, convey a lesson suitable to other occasions. On the field of battle, when the conflict wages fiercest, headlong in the assault or the desperate resistance, amid flashing sabres and piercing bayonets, honor, right, country proclaim above the din to their defenders: "Quit yourselves like men!" Out upon the wastes of ocean, when the besom of destruction sweeps on furiously amid the thunder and lightnings of the midnight storm, and stranded navies and brave men are going down in darkness, how important the command to the weather-beaten sailors: "Quit yourselves like men!" When the bloody flag of revolution flutters in the breeze, and the fabric of state sways to and fro in its earthquake-throes, and the bonds of order, confidence and sympathy among men are snapping asunder and bloody chaos broods over all that is of esteem, then, too, should patriots heed the warning: "Quit yourselves like men!" But it is not upon these extraordinary occasions only that the injunction admits of application. In all the relations of life, in joy or in sorrow, health or sickness, wealth or poverty, distinction or obscurity, everywhere, how honorable it is to quit yourselves like men. The lesson of these words applies in a two-fold sense to those engaged in the work of education; the one personal to themselves, the other in its influences upon those committed to their charge and through them upon society. In a general sense we are all educators; in a limited one, only those who have adopted the profession of instructing the young. To the latter class of my audience I desire more specially, with becoming diffidence and respect, to address myself briefly upon the subject assigned me, by some unknown but over-partial friend, upon the present occasion.

Before such presence as this I need not pause to define the word education! It is familiar to all as referring more particularly to the culture of the young; improving the powers of their minds, storing its garners with knowledge, cultivating the moral faculties, developing their physical attributes and forming their character until they grow to the stature of a perfect manhood. Your highest ambition then, as it is your solemn duty, should be to quit yourselves like men, and prepare those brought under your influence in due season to do likewise. And who are the men, not only of your profession but of every other, who thus quit themselves like men? They are the *whole men*, and the whole men are the men whose mind, body and soul are rivited to their work and absorbed by it. If you please, they are the men of one purpose, but that a great, ennobling, and to them, a magnificent purpose. The average man, who aspires to all things, and affects universal genius, becomes a mere piddler and at the end of life has wrought little if anything important or durable. I care not what be his calling or profession, the jack-of-all-trades in ninety cases or more out of every one hundred is good at none. Our daily observation only confines this truism. Do you doubt it? Then where is your lawyer who has attained the eminence of a Marshall or a Chase, who has been equally eminent in any other profession? Where is your physician who cures more people than he kills, by a skill acquired in lounging around street corners, in propping up sign posts and door facings? Where is the farmer whose fences are not the delight of unruly stock and who gathers more grain than thistles, who wears out his time in practicing at the mechanic arts with his jack-knife upon the dry goods boxes of the neighboring merchant? Where is the minister of the gospel of peace on earth and good will among men who shines with the splendor of a morning star in the wastes of moral darkness, or whose gentle sympathy and tender zeal lure erring mortals to the skies, who spends a large portion of his time in the pursuit of this world's lucre, in pandering to partisan politics, or in hurling anathemas against his theological opponents? Or where is the educator, who wisely, sympathetically and with pre-eminent success performs his duty whose chief conceit is that he is Sir Oracle and whose aspiration it is to be like his predecessor of the "Deserted Village:"

> "In arguing, too, the parson owned his skill,
> For even though vanquished he could argue still,
> While words of learned, length and thundering sound
> Amazed the gazing rustics ranged around,
> And still they gazed and still the wonder grew
> That one small head could carry all he knew."

I do not mean to be understood as favoring a lopsided development of mind and body, nor that would dwarf the manhood, restrain the freedom or curtail the franchises of a single person. Far from it; jealously tenacious of my own rights and my own personal independence, I would scrupulously extend them to every man of every race or pursuit. But I do mean to say that great men, with rare exceptions, in every calling and profession, have become great, and are great, by stern industry, earnest effort and deep devotion to a particular idea or group of ideas, and this is not less true of educators than other men, nor whether they wield the scepter in the log school house or from the professor's chair in the highest University. The man who teaches only because he can find nothing else to do, and not *con amore* seldom does so conscientiously and is rarely fit either to be called or employed as a teacher. He only who feels the dignity and the solemn responsibility of his position, and brings to the discharge of its duties a mind stored with appropriate knowledge, an eye keen to discern character, a hand steady and uniform in the sway of authority and a heart glowing with affection and zeal for the highest welfare of his pupils deserves to be called by his fellowmen to such position. My conception of the character and qualifications of a teacher is simple if somewhat exalted. As already intimated I would have him a "whole man." Far as possible, a wise oracle, a correct examplar and a faultless model. Not only should he be entirely exempt from the more glaring vices and imperfections of cruelty, ignorance, drunkenness, profanity, falsehood, obscenity and vulgarity of manner, but be possessed of the presence and exercise of the actual virtues, amenities and graces of life. I imagine there is likely to be found a far less want of suitable scholastic acquirements on the part of the general run of teachers than of that correctness and propriety of speech and refinement and dignity of bearing which constitute the well-bred and high-toned gentleman. As however insignificant some may affect to regard these "minor morals" they are hardly second in the influence they exert upon the success of life to the more generally prized knowledge of books. The teacher who is a clown in manners, a sloven in dress, and a vulgar fellow in speech, is a deplorable model for the imitation of those brought under his influence. Children are proverbially imitative and imagine the prospects of a sprightly country boy whose highest conception of propriety, gentility and authority is the autocrat of the country school house, and that autocrat unanointed and unanmealed. Hear him drawl out his lessons, and behold him as with head unkempt, finger nails uncleaned and shirt collar ajar, cocks his huge number twelves on his desk before him and spreads his lazy body generally over the school room. With such unique specimens, if there be any, for daily study and imitation could you wonder if this generation should yet see a set of youth whose highest ambition it will be to write their names with chalk or pencil in public places, to have their shirts peering out above their pantaloons and below their vests, their heads adorned as mermaids, or the beautiful Venus emerging from the foam of the sea, and their heels fastened to huge spurs with little bells that tinkle, tinkle, as they swagger along begirt with knives and death dealing repeaters, a Hermaphrodite race, the very personification of a semi-civilized but vulgar rowdyism! Such teachers and such pupils may heed the exhortation to quit themselves like men! But such men! From the very anticipation of their possible existence, good Lord deliver us!

The poet proclaimed a homely truth when he declared "That a want of manners is a want of sense." Only a few days ago in the hall of the library of congress, I saw an artist modeling a bust. The artist was Miss Vinnie Ream, whose Abraham Lincoln holds a conspicuous position in the statuary hall of the capital. The bust was that of Sequoyah. I am no connoisseur of the arts; but the artist, her subject and manipulation soon won my attention. While the magnificent rotunda of the capitol was crowded by the visitors who throng it during the sessions of congress and the two houses in the opposite wings of the building were disposing of questions affecting the interests of this great republic; beside a window all hidden from view by piles of books, in working costume and upon a chair bereft of its back and thus dwarfed into a stool, sat the little artist. I say "little" because nearly every body says "Little." The remark, however, applies only to a somewhat diminutive stature. Those lustrous eyes, bewitching smiles, delicate touches of the hand, gentle words and artless manners, speak of the presence of soul, sentiment and genius which charm and fascinate. Upon a table beside her rested a folio volume of McKinney's valuable collection of Indian portraits and biographies opened at those of

Sequoyah. The likeness was the one familiar to all representing him as dressed in the costume, more common in his time than now, of our people, with a turban upon his head, a pipe in his mouth and the dexter finger of the right pointing to the characters of his newly invented alphabet in his left hand. Before her, just mounted in plastic clay but barely outlined, was the future model. In the intervals of conversation a pellet of clay added here and another removed there, a line traced here or a curve there, under her practiced eye and skillful fingering, were gradually but steadily and surely bringing into form and resemblance that mass of uncomely clay. Bye and bye, when every feature has been delineated the cast will be taken. Again, bye and bye, the rough block of marble will be broken and chipped and chiseled and polished with patient toil, care, judgment and delicate touch into a perfect work, and the cadmus of America, *our* cadmus, will take his place beside those tributes from genius to genius, which obtains for itself while bestowing upon others, *immortality!* Did time permit here would I pause to pay my humble tribute of admiration to the memory of Sequoyah. Would that the youth of this country might catch the inspiration of his example and imitate his patient and unflagging zeal and industry. Who of us can correctly estimate the character of that untutored mind which conceived the idea of reducing such a language as the Cherokee to its constituent elements and fixing its fleeting sounds and variations of sounds by arbitrary characters? How tedious the process of analyzing it, how acute the ear to discriminate, how tenacious the memory to retain, how slow and long and wearisome the task, how invincible must have been the pluck and determination that possessed him, how intense and glowing the fire that burned in his soul. No wonder that he cut himself loose from the sports and companionship of his people, that he bore the taunts and insinuations of the heedless, the impatience of his wife, and buried himself for weeks and months in his humble cabin until his work was done. And right royally, Sequoyah, didst thou quit thyself like a man. Aye, truly, and the Roman Coriolanus when boasting of having fluttered his enemies, the Tolsci, "like an eagle in a dove-cote," could not more justly and with a prouder exultation add, than thou, "Alone, I did it!"

Gentlemen, you are all artists. Your material is the plastic mind of childhood. Your ideal, a well and roundly developed manhood. As you model them now so largely will they be in future. If bunglers from ignorance, or indolence, your work will bear its impress, as it surely will also if capacity, skill and fidelity guide your hand. And remember that achievements more beautiful, more truthful and of a more exquisite finish and grace than Reams' ideal of "The West," or the unrivalled Greek slave of Powers, may be within your reach. For after all their productions are but inanimate marble; yours the forms and attributes of immortal life itself. While you work, then, work diligently, honestly, hopefully with all your mind and soul. And for what shall you work? To produce the noblest specimens of manhood within the realm of your genius. The world needs those who "quit themselves like men." Our own country needs them in every walk and station. In the chamber of state, on the bench, at the bar, in the forum, in the pulpit, in the school rooms and by the firesides of every hamlet and household. We need them to uphold the weak and defend the right; to secure a wise administration of affairs and to bury the miserable strifes, jealousies, bickerings and lyings which are the bane and disgrace of our existence. We need them to properly develope this fertile land where every prospect pleases, to classify and delineate its natural productions, to perpetuate the story of its existence upon the page of history, and to instruct and elevate and save the thousands of our fellow-men in this territory, who, ignorant of the language, laws and customs of the teeming thousands pressing upon their weary steps, are stretching forth their uplifed hands, imploringly, for succor and advice. What then shall be the education you should strive to accomplish? Let it be physical, mental and moral, one of ideas and not words, of thought not routine, practical and comprehensive and not superficial skimering or dreary speculation. *Physical*, embracing a proper and healthy development of the body, extending to exercise, carriage, posture and habits of personal neatness and cleanliness. As I have witnessed the manly bearing of the lady and young men of the military schools of the country, as they moved along with toes out, heads up, shoulders back, chest forward and the whole person erect, or the easy and graceful movements of young women connected with some of the best female schools, objects of beauty and admiration not less on account of their polished manners than of their cultivated minds and personal comeliness, I never fail to wish that the youth of our own land, blessed as they are with freedom of pure air, bright sunshine and fresh water, and of limb and voice and liberal endowments of personal beauty, vigor and attractiveness, could be as thoroughly instructed and trained in this part of an education as its importance demands. Observation around the center, where great men most do gravitate, will satisfy any one that the strongest and most influential intellects, as a general thing, are connected with strong and healthy bodies. That such is the case is but in keeping with the general law of development. Great attainments are the outflow of great effort and endurance and these are found only where health and strength exists to sustain them. Neither despise, nor ignore the health or the graces of the body, for on them depend the comfort and largely the success of life.

The education of the mind should mean not only the mastery of the text-books upon art, literature and science, but this and more than this. The cultivation of the power of thought and the habit of observation, the improvement of the memory and of the faculty of investigation into cause and effect. It is not the possession of tools alone but the ability at the same time to use them that constitute the master workman. A man may have every crack and crevice of his cranium crammed with dates, facts and incident and unless he knows how to apply them still be an ignoramus, or what is worse an educated fool. Feed the mind liberally upon the choice morsels of knowledge, but fatten it as you would the body by supplying it with all that it can digest. Impart song and sentiment and golden grains of knowledge from every clime and time with the chaff winnowed away. Present truth in varied and attractive forms drawn not only from books but from the familiar objects and associations of daily life. Make every lesson intelligible. To this day I remember with a feeling kindred to bitterness, the long and tedious lessons imposed on my childood, in Lindly-Murray, unabridged, after a walk of three miles, often time barefooted, over a gravelly road, to the log school house, without explanation on the part of the teacher or of comprehension on mine. Art is too long, life too short, time too precious for the toleration of such stupidity or charlatanism in this day and generation. The education of the moral faculties and emotions of the young should be met by precept and example. The trained and educated villain is the most dangerous member of society. Ignorance may be vicious and brutal but the sphere of its action is limited. Not so with the other: who spares neither age, sex nor condition, but abuses, corrupts and destroys all who fall within the widely extended range of his operations. Inculcate a high sense of honor. The demoralization which exists needs to be confronted by truth, integrity and manliness. Let law be observed, position properly respected and age duly revered. Treason should be called and known as treason, a lie as a lie, bribery as bribery, ingratitude as ingratitude, meanness as meanness, murder as murder, and as such held up to reprobation, and those who practice them whether in private or public life, whether openly, or by insinuation, whether for profit and gain, or to defame character and destroy our reputation, be regarded as dangerous in their success and enemies to the peace, order, purity and stability of society. You cannot too highly prize this part of the education of the youth of this country. Spare us; O, spare us, the curse of an ignoble race of educated men. Better for us, better for them in the great hereafter that the lights of our institutions which are peeping up in the valleys, on the hillsides and out upon the wide expanse of our prairies should be forever extinguished. Better that these stately walls of enduring brick and binding mortar which were reared in hopefullness by our fathers and are our pride and fruition, devoted as they are to the enlightenment in knowledge and religion of our sons and daughters should crumble into dust than be instrumental in sending forth a dwarfed, spiteful, perfidious, unmanly, unvirtuous and ungodly race of educated men to prey upon their fellowmen, to betray the interests of their country, to revel in drunkenness, debauchery and crime and to roam through the land moral pests and ravenous wolves. But this need not be so. A higher, nobler destiny is within your grasp for those under your charge. "Quit yourselves like men." And then catching the inspiration of your precept and example, the tractile, impressible minds committed to your moulding will go forth from under your hands nobler specimens of a perfect manhood than have been yet given to our country and race, for they, too, in the highest and noblest sense of the words, will quit themselves like men.

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## AN ADDRESS AT A MAY CELEBRATION, TO THE STUDENTS OF THE MALE AND FEMALE SEMINARIES, OF THE OPENING OF THEIR SCHOOLS FIFTY YEARS AGO.

LADIES AND GENTLEMEN: The hour is suggestive of enjoyment, retrospection and anticipation. The breath of this morning in lovely May perfumed by the blossoms of shrub and vine and plant, beautified by the changeful hues of verdant grass and expanding leaves tremulous to the touch of the passing breeze and the glimmering sheen of the sun, the laughing waters of this beautiful river clear and sparkling, and the young faces which surround me radiant with the lightsomeness of buoyant spirits, all declare appropriately, this a festal occasion. Let me then, extend to you a joyful greeting. Let me bid you be happy; yea, thrice happy, and express my earnest desire that the associations of this anniversary may twine around your hearts memories that shall be even more beautiful and far more enduring than the floral crowns that will adorn among you many a fair brow to-day.

To one like your speaker, whose life is almost coeval with the creation of the educational fund of the Cherokee Nation, and who has been allowed occasionally to bear an humble part in sustaining, extending and elevating its school system and who has failed at no time to cherish the profoundest desire for its highest success, the return of this anniversary throws wide open the portals of the past and present anew to view, the noble men and women who strove with rare purity of purpose and devotion to keep alive on the altars of our country, the fires of knowledge and progress; and those sturdy old patriots, whose self-denial and forecast secured for their posterity the privileges which we now enjoy; privileges so munificent, so continuous and so free, that like the pure air of heaven which impels every throb of the human heart, we fail often times, either wisely or thankfully, to enjoy and appreciate.

Some of the former managers of the schools here represented have passed beyond the river to the realms of eternal bliss, others have changed to different and higher spheres of usefulness and yet others have been wantonly consigned to retirement and obscurity. Many of them merit more than this passing tribute. Many of them deserve to be mentioned by name, but the demands of the occasion seem to render it inadmissible. It must suffice to say that in the knowledge proper for their positions as instructors and examplars; in purity of character and singleness of purpose; in masculine strength and feminine loveliness, they were eminently fitted to enlarge the youthful mind, to elevate the affections and to refine the manners. Much of the culture, intelligence, industry and enterprise among us are the results of their labors, the stream of blessing flowing from parent to child and nurturing and invigorating some of those who surround me now. May that stream continue onward, increased by the tributaries which flow into it as it advances in its course through narrow defiles and embowered valleys and grassy plains until it becomes the majestic river imparting fertility, strength and broadness to all who dwell within our borders, a fertility richer in influence than the overflow of the Nile, strength more irresistible than the Mississippi, a broadness of views more expanded than the Amazon, the fertility of exalted culture, the strength of developed humanity, the expansiveness of the boundless mind.

As many of you know, the present school fund of the Nation had its origin in the treaty of 1819, between the United States and the eastern Cherokee Nation. James Monroe, who visited the Mission Station at Brainerd, then under charge of the Rev. Ard Hoyt, and whose interest in the work caused the prompt erection of additional buildings for the accommodation of the children gathered within its protecting fold, was then president of the United States. John C. Calhoun, secretary of war, was negotiator on the part of the United States, and Charles Hicks, John Ross, Lewis Ross, John Martin, James Brown, George Lowry, Gideon Morgan, jr., Cabin Smith, Sleeping Rabbit, Smallwood, John Walker and Carrihee Dick, on the part of the Cherokee Nation. Among the attesting witnesses were Return J. Meigs, then U. S. agent, and Col. John Lowry I am thus particular in enumerating these names as a subject of interest to their descendants who are within the sound of my voice to-day, and because they represented all classes of the Cherokee people, and because the want of knowledge and a want of appreciation and gratitude for the benefactors of our country would make the presence of a degree of ignorance and degeneracy of national pride on the part of the educated youth of the country incompatible with our boasted intelligence and love of country and race. It was my privilege to know all these departed worthies, two or three only by reputation, others personally and some of them intimately and affectionately. Indulge me in a brief reference to some of them.

It is unknown to me with whom the idea originated to set apart a portion of the Cherokee domain specifically for educational purposes. It may have been suggested by the missionaries. It may have been advised by President Monroe or his distinguished secretary of war, or it may have emanated from the delegation itself, impressed as they were with the value and might of knowledge and their desire for the improvement of their people. It is immaterial now whence it sprung. Wise men alone evolve grand ideas. Sagacious men adopt them when presented by others. Fools and cowards alone, tortoise like, shut themselves within their shells and imagine there is no world of mind, matter or space beyond the horizon which circumscribes their vision. Charles Hicks was then one of the two head chiefs of the nation and evinced a deep interest in the success of the mission schools established under the auspices of the American board. His character for probity, intelligence and patriotism was exalted and his reputation has survived him unimpaired. To the joint administration of the Pathkiller and himself, at least is due the high credit of laying the foundation of the Cherokee school fund. John Martin, as one of the justices of the supreme court and treasurer of the nation, under the subsequently organized government, was universally esteemed and trusted in every relation of life. James Brown, stalwart in physique and purpose, whose iron constitution and tenacity of purpose succumbed only to the trials and exposure of the late war, when a fugitive from home, approaching four score years and ten, was a constant supporter of the rights of his people and died as he had lived, unawed by influence and unbought by crime. Col. Gideon Morgan, an adopted citizen, was the commander of the Cherokee regiment in the war of 1812 and still bore upon his brow when his locks were whitened as snow by increased years, a scar from a gun shot wound which attested his gallantry at the battle of the Horseshoe, so disastrous and sanguinary to the hostile Creeks. Major John Walker was alike distinguished for gallantry and heroism. From early boyhood it was my privilege to know George Lowry. From early boyhood to the time of his death it was the constant sentiment of my heart to admire George Lowry, and now for a generation his remains have returned to dust in "God's acre" at our capital. I revere the name of George Lowery. Tall, erect, stately and dignified, the physical attributes of the man indexed the moral qualities of his character. It was not remarkable that in early manhood he should have equalled any of his associates in feats of agility and manhood, that his daring should a century ago have borne him from the waters of the Tennessee to the source of the Ohio and thence to the shores of Lake Erie, over mountains, across great streams, through dense forests and uninhabited wilderness, that he should have enjoyed in an eminent degree the love and confidence of his people, that he should have been truthful, honest, patriotic and examplary, as father, as friend, as assistant chief, and a professor of the Christian religion, and that his remains are in the keeping of his country. Long associated with these men who, like scores in their day and generation, were nature's noblemen. At their head and front was one whose fame will be co-extensive with that of the Cherokee Nation, whose name is welded inseparably to their history and who deservedly stands grandly permanent among the chieftains by whom he was either preceded or followed; the man who laid with his own hand the corner stones of our two seminaries, who was the enlightened friend of education, who spent freely his personal means to educate not only his own children but some of his kindred, who was foremost in organizing government among the Cherokees and whose long official career shows a degree of fidelity and confidence between ruler and people alike honorable to both. I need not say that my reference is John Ross, "*Clarumet venerabili nomen.*"

Let the present generation and those who shall succeed them emulate the public spirit and virtues of these great men. Let the educated sons and daughters of our country, the beneficiaries of their far reaching wisdom, forever honor their memory.

When we contrast the past with the present, we cannot fail to appreciate the advance that has been made within less than sixty years. No event in the history of the Cherokees is is more full of interest to the reflecting observer than the origin and development of organized government among them. Sixty years ago the number of nations who possessed a correct knowledge of the elementary branches of an education was exceedingly small. The only means of obtaining such as was enjoyed was through the employment of private teachers, or by sending into the adjoining state, or attending the mission schools then but recently established. Even the "Three Rs" were imperfectly understood by many of the prominent actors of that period. The genius of Sequoyah might have vaguely conceived but had not yet evolved and perfected his alphabet of the Cherokee language, an invention second to none, perhaps, in modern times. And yet, my friends, while those men were in a certain sense illiterate, they were not ignorant. The genius of common sense was theirs, with power to observe, to comprehend, to estimate and to apply. Resolving and performing were almost co-incident with them. But untaught and unlettered, as many of them were, the men who conceived and adopted a Constitution and laws for the government of their people. They copied what suited them in the laws of the whites, rejected what did not suit them, changed and modified and added to them until they obtained a system adapted to their condition, and that system is ours to-day essentially. Those were earnest men, they were truthful men, they were fearless men. If they had faults, as they had, they were possessed of paramount virtues; if they joined in a ball play, they played to overcome their opponents; if they went to war, it was to conquer; if duty called, its voice was obeyed. Pure in their integrity, they were not trading tricksters, and their word was pure as gold. So of the past.

And now, what of the future? What are its portents and promises? One hundred and fifty years ago, when the beloved chief, Moytey, laid his crown of eagle feathers in the hands of Sir Alexander Cummings, the special minister of King George of England, and which was the token of alliance on the one hand and of protection on the other, the wonderful phases since presented by the world's history were seen only by the eye of Omniscience. Indeed, sixty years ago "coming events" had not even cast their shadows distinctly across the pathway of the patriotic fathers of whom we have spoken. But the small voice of states rights and of "*Imperiam in Imperio*" increased in volume until it became the noise of many thunders. The tornado came and uprooted all in its fearful track. And what is it now, forsooth! The conscience-stricken plea of shame-faced power and greed, the right of eminent domain. In plainer language, the "right of might." And this in the Senate of the United States! All hail to the fourteen or fifteen members of that august body who disdained so paltry and transparent pretext for a plain violation of the pledges of their government ratified by their own body, and perhaps by some of their own voices. Eminent domain, the higher power, that is to ride down natural right, treaty right, constitutional right and national honor. And this not in obedience to any overwhelming interest or necessity, but in the exclusive demands of individual and corporate greed. When the Senate forgets the voice of honor, well may the most hopeful and courageous doubt and apprehend. Eminent domain wants not only railway franchises, eminent domain wants coal fields, eminent domain wants cattle pasturage, eminent domain wants forests, and streams, and valleys and plains, and whatever else belongs to the Red man. It is the whine of "we'uns and you'uns." It is the howl of the Oklahomaite, the yell of the seedy speculator, and the roar of behemoth of consolidated capital. And its agencies are seductive promises, immediate reward, prospective wealth and threatened disaster.

And this seems to be the era upon which the youth of this country are now entering. An era of outward encroachment and inward temptation. Thrice happy, and thrice honorable will it be if its evils are averted, the integrity of manhood maintained, the purity of its patriotism sustained and the rights of the people preserved. Its signs of promise are awakening interest and spreading knowledge abroad of our real condition and of a spirit of exact justice towards all mankind and of increasing intelligence, industry and enterprise among our own peeple. Do not fail to bear constantly in mind, my young friends, that I but reiterate an oft repeated remark, when it is told to you that your lot is cast in a wonderful land in a most wonderful era of the world's history. Wealth, knowledge, enterprise, combine to achieve the grandest results of invention and industry awarded to human skill and human hands in every department of science and art. Within my own recollection these results have been countless in number and boundless in character. Every branch of material industry and scientific research have been touched with magic words and made subservient to human progress and human elevation. Look where you will, touch what you may, you see and feel it on every hand and upon everything. Ubiquitous it grasps vast continents and fleeting shadows and makes all, everything, conducive to power, to wealth, to pleasure and curiosity. This grand aggregation is but a combined individuality, the mighty ocean of separate particles. The great nation in whose millions each person is a factor. You are one of those factors, what place will you fill? Shall it be that of a solitary cipher, a meaningless object, or shall it be on the left or the right of diminishing or increasing values. Individually determine each for himself where it shall be, for with you and upon you lies the responsibility. Each young lady here must deside whether she is to be a nonentity, or a frowsy-headed, slipshodden, skirt-draggling, slattern, without purity, without virtue, without shame and as a sequence, without love, and saddest of all, without self-respect, or whether she shall fill to its utmost capacity the sphere alloted in life, with cleanliness, purity, virtue and modesty, respected, honored and loved as only the true and noble deserve. And so with these young men. Each one carries his destiny under Providence, upon his own shoulder. The burden will be light or heavy along the journey of life, as it may be balanced and borne. Say, sir; will you be as a god of the heathen, having ears that hear not, eyes that see not, and hands that handle not? an idler, a gambler, a drunkard, a dangerous but worthless bully and nuisance, and it may be a thief, a destroyer of female innocence, a spunging loafer or peradventure, a red-handed murderer, whose crime can be alone condoned under the gallows. Or will you follow the path of sobriety, of rectitude, of order, of a sterling manhood, which respects industry, applies usefully its capacity, protects innocence, shields the defenceless, and if need be, would be willing to sacrifice life itself in defence of home and country. Choose the nobler part in life, and then will these massive piles of brick and mortar which protect within their sheltering walls, have not been erected in vain and dedicated under the constitution of our country to "religion, morality and knowledge, because they are necessary to good government, the preservation of liberty and the happiness of mankind." Then whatever may await you in life, conscious of the rectitude of your purpose, a sense of self-respect will solace and sustain you in every affliction and through all adversity; or if distinction await you, as I trust it does some of your number, as you advance upward from ledge to ledge, up the rugged hill to fame will echo back with gladsome plaudity, your inspiring acclaim, excelsior!

## ADDRESS BEFORE THE GRADUATING CLASS AT THE MALE SEMINARY NEAR TAHLEQUAH.

1785—1885, 100 years! A century full orbed, unequalled in history in the multiplicity and grandeur of its achievements and in the progress of humanity. November 28th, 1785, was concluded at Hopewell, on the Kiowa river, in the state of South Carolina, the first treaty between the Uuited States and the Cherokee Indians. One hundred years ago, how long a period. The constitution of the United States was in embryo. Congress ruled the Confederacy formed by the now independent states. Washington was not yet president. One hundred years in the history of the Cherokee Nation! How salient the point for retrospection, observation, anticipation! How appropriate the theme on this occasion, and in this presence. Retrospectively. The Cherokees, where and whence came they? No response comes down the gallery of time from the silent recesses of the past. Echo alone replies, where and whence came they!

Ferdinand de Soto and his mailed Spaniards, whose bravery and fortitude were tarnished only by avarice and cruelty, who was buried at midnight beneath the drifting sands and turbid waters of the great river which he had discovered, were perhaps the first Europeans who ever visited their mountainous homes. How long anterior to that invasion in 1540, they had occupied and defended those homes not even tradition informs the curious inquirer. If time and reliable information were at command it would be a grateful task here to repeat in detail the more prominent points of their history furnished by even partial statements which have come down to us from the Colonial period of the country. As other aboriginees, when discovered, they dressed in skins and furs obtained from the animals of the forest by the skill of the hunter. They were not nomadic but settled in villages and lived by hunting, fishing and the cultivation of the soil with the rude implements at their command, having neither horses nor cattle, nor metalic instruments. War was the pastime and the voice was heard and their deeds of daring enacted from the gulf to the lakes. The Indians who surrounded them and in turn the English, the French and the Spaniards felt the prowess of their arms and also the cruelty of their daring and hostilities. Strife and war were fomented by members of these nationalities for their own protection and in the bitter struggles between them for self-preservation and ascendency on this continent. And in turn they were driven to seek alliances and combinations for their own safety and existence. It was an Ishmaeletish period when tribe was against tribe and nation against nation, when cunning met cunning, cruelty retaliated cruelty, and perfidy circumvented perfidy and deeds of desperate heroism defied the sword, the scalping knife, the fagot and torture. In 1693, twenty Cherokee chiefs visited Gov. Sinette, of Carolina, seeking aid to protect their people from the Esaws and Congarees. In 1711 the Cherokees and Creeks joined Gov Craven in punishing the Tuscaroras and Corees for the massacre of 137 white settlers on the Roanoke. The Tuscaroras were driven from their country near the Atlantic seaboard northward to Oneida lake, in New York, and became the sixth nation in the celebrated and warlike confederacy of the Iroquois. But in 1715 they united with the Yamasues and all the tribes from Florida to Cape Fear, under Spanish intrigue, to exterminate the whites, but were defeated at Lulkahachie by Gov. Cravens and driven across the Savannah river. The Cherokees and Chickasaws about this time expelled the Shawnees from their villages on the Cumberland river and drove them north of the Ohio river.

In 1721, Gov. Nicholson invited the Cherokees to a conference for the purpose of forming an alliance of friendship and commerce. The chiefs of thirty-seven towns were present. The pipe of peace was smoked, and boundaries between them and the whites established. They were then computed to number 20,000 souls and able to put in the field 6000 effective warriors. So important was their friendship and support deemed in the struggle going on between the nations of Europe for supremacy here, that Sir Alexander Cumming, of Scotland, was especially appointed and commissioned by the King of Great Brittain to visit their country and form an alliance with them. This he did, and at Nequassee, on the head waters of the Uphasse or Hiwassee river, in April, 1730, an alliance was formed and he returned to London with six Cherokee chiefs, who bore the crown of Moytey, with them five eagle tails and four scalps, and were presented to his royal master. A treaty of friendship, alliance and commerce was drawn up and entered into and which lead to many years of peace and friendship between the contracting parties.

In 1740, one thousand Cherokee warriors joined the forces of Gov. Oglethorpe, of Georgia, in his attack upon the Spanish forces at St. Augustine, Florida. In the same year they marked out a path for horsemen from their country to Augusta, and which was used for many years by traders and pack horsemen in transporting merchandise and furs and peltries.

In 1755 Gov. Glenn, of South Carolina, met the Cherokees in council in their own country to renew the alliance between them in consequence of information furnished him by a chief of the overhill Cherokees, that a French emissary was among them stirring up hostility towards the whites. The governor made a speech in the name of his king, representing his great power, wealth and goodness, and his particular regard for his children, the Cherokees, and in return for presents given them demanded land upon which to build two forts for their protection in their country. In this connection the governor spoke of the Cherokee *Nation.* Attacullacullah, the Little Carpenter, the Cherokee chief, granted the request and in his reply, closed with these words: "My speech is at an end. It is the voice of the *whole Cherokee Nation.* I hope the governor will send it to the king that it may be kept forever!" Thus more than 130 years ago has the style of the Cherokee Nation been used by the Cherokee people in their transactions, and for nearly one hundred years in their treaties with the United States. A large cession of territory was made at this treaty to the king and Fort Prince George built within gun shot of the Cherokee town of Keowee. In the year 1756 Fort London was built on the southern bank of the Tennessee river, about thirty miles below the present city of Knoxville. Both forts were mounted with heavy ordnance and manned by British troops.

In 1758 the Cherokees aided the army of General Forbes in expelling the French from Fort DuQuesne, the present site of the city of Pittsburgh. While returning from the long and wearisome expedition, some of the warriors who had lost their horses appropriated to their own use others that were found running at large in the back parts of Virginia. The Virginians for this offense killed twelve or fourteen of them and took several more prisoners. The record from which I quote, adds: "This ungrateful conduct from allies whose frontiers they had defended and recovered, aroused at once a spirit of deep resentment and deadly retaliation." The result was a state of hostilities at the beginning of 1760, which was increased by the act of Gov. Littleton in seizing and imprisoning in Fort Prince George thirty-two chiefs who had visited him on a friendly mission for the purpose of preventing war. Perfidy begot perfidy.

The commander was decoyed from the Fort, and mortally wounded and an attack made for their rescue. They were all put to death by the garrison and war, bloody and indiscriminate, regardless of age or sex, followed.

Col. Montgomery, in command of British and Colonial troops, moved against the Cherokees. Keowee was surprised at night and every warrior put to the sword. Near Etchoe his rangers were surprised and a battle was fought lasting more than an hour, in which Montgomery lost twenty men and had twenty-six wounded. The battle was indecisive, but the white commander withdrew his forces to Fort Prince George.

The garrison at Fort London, 200 strong, was forced to surrender, but nearly the whole number including Capt. Demire, the senior officer, was attacked and massacred. The cause of this massacre, which was led by Oconostota, who made the attempt to rescue the captive chiefs at Prince George, who were put to death as already stated, was retaliation for that deed and the discovery of a large quantity of ammunition which had been buried, instead of being delivered to the Cherokees according to the terms of capitulation.

Col. Grant (1761) arrived at Charleston with British troops, was joined by a Provincial regiment, moved against the Cherokees, defeated them on the field of Etchoe where the previous battle had been fought, after an engagement of three hours. Their towns, granaries and corn fields were destroyed and their destitute women and children driven to the mountain. Their number was reduced and their martial enterprise checked for a short period. But the Revolutionary war was at hand, they were allied by treaty to the mother country and in that protracted conflict remained true to the obligations. When it closed they were left to take care of themselves. Mutual wrongs and aggressions were perpetrated, alternate invasions of territory followed and blood and vengeance and heartless cruelty continued until after the treaty of 1785 and down to near the close of 1796.

Ramsay, from whose annals of Tennessee I have gleaned many of the foregoing statements, says: "The Cherokees were the mountaineers of aboriginal America, and like all other mountaineers, adored their country and held on to and defended it with a heroic devotion, a patriotic constancy and an unyielding tenacity, which cannot be too much admired or eulogized.

*Si pergama dextra*
*Defendi possent; etiam hac defensa fuissent.*

Since 1785 not less eventful has been the history of the Cherokees. In 1792 was negotiated the first treaty with the Cherokees under the existing Constitution of the United States. It was sent to the Senate of the United States by President Washington and received from that great tribunal the same ratification accorded to treaties with the most favored foreign nation. The first school teacher in the Cherokee Nation was a Scotchman named Sullivan. The first mission station among them was established in 1802 by the Moravians; the second by the Rev. Gideon Blackburn, of Tennessee, a Presbyterian.

The first written law bears date at Broomtown, September 11, 1808. Fifty-four towns and villages met by delegates in council at Amoab, on the 6th of May, 1817, and provided a national committee of safety and business management, composed of thirteen members, to be elected biennially, to whom all questions of a sale of land should be referred and their decision abided.

The same year by written law schoolmasters, blacksmiths, millers, saltpetre and gun powder manufacturers, ferrymen and turnpike keepers and mechanics were permitted to reside in the nation under certain conditions. The nation was divided into eight districts. Judges, marshals and lighthorsemen created for the administration of justice. The same year a poll tax was levied for the benefit of the treasury, and parents made responsible for the board and clothing furnished their children who should run away from mission schools and not be returned promptly by them. A unanimous resolution was adopted by the Cherokee Council, 1822, not to cede any more of their lands, and prohibition and anti-gambling restrictions imposed. Delegates from the several districts of the east framed, adopted and put into operation a written constitution, 1827.

Individual Cherokees began early in the present century to separate themselves from their eastern homes. They would descend the Tennessee, Ohio and Mississippi rivers in canoes. At first they located on the St. Francis river, above Memphis. Thence as their number increased from various causes they removed to the "post" on the Arkansas river below Little Rock. The treaty of 1817 provided for these emigrants, and the treaty of 1819 divided the Cherokees into the Cherokee Nation East and the Cherokee Nation West upon the assumed basis of two-thirds for the former and one for the latter.

The Western Cherokees, about 1809, chose their location on the left bank of the Arkansas, opposite where Dardanelle is located. In 1828 they ceded that country for this and were here located in 1833. The Cherokee Nation east removed to this country under the operation of the treaty of 1835, the greater portion of them arriving here in 1838-9. July 12th, 1839, the Act of Union, re-uniting the two Cherokee Nations, was entered into at the Old Camp Ground a short distance below the old David Carter place, and almost in view from this point; and the Constitution under which we now live, slightly amended to make it conform to the changed relation of affairs, under the treaty of 1866, was adopted at Tahlequah, September 6th, 1839.

The present school fund was originated by the treaty of 1919, enlarged by the treaty of 1835, and still further by the treaty of 1866. The present system of public schools went into operation in 1840 or 1842. These high schools were opened in 1850, and enlarged in 1874 and 1875. Sequoyah invented the Cherokee alphabet about 1823. The Cherokee Phœnix, the first paper among the Cherokees, was printed part in English and part in Cherokee East, 1828, and the first number of the Cherokee Advocate at Tahlequah, in 1844.

The Cherokees played a part in the war of 1812, some in the war with Mexico, and thousands in the late Southern rebellion, and were the first to abolish slavery and the most liberal in providing for them. Their rights have on several occasions been ruled upon by the judicial tribunals of the United States. Amid all these vicissitudes, the stream of our existence leaping from the base of the impenetrable cliff of the great unknown has never ceased to flow onward over the shoals of ignorance, amid the arid sands. Indolence, the whirlpools of spoliation, the twirling eddies of internecine strife and the profound canons of horrible wars, it has shown at least a silver thread of vitality for more than three centuries. And here to-day amid the meridian splendors of the closing decade of the Nineteenth Century, and the varying beauties of a mild and genial clime, and the twining of vines and the sweet odor of roses, in the presence of youthful manhood and budding womanhood, the pride of fatherly confidence and the heart swelling tenderness of maternal elation and anxiety, you are to go forth from these walls to shape the character and destiny of your people and country in the first dawn of the second century of their national existence in connection with the United States. How great the privilege, how important the trust, how overwhelming the consequences. I thank heaven for all our blessings, and the government and people of the great republic, that despite all our unquestionable wrongs and vexations, trials and dangers, that we still exist and that no inscription records the fancied career of "the last of the Mohicans." I am thankful for these timbered hills, these flowery plains, these fertile valleys, these gushing springs, crystal brooks and swiftly flowing rivers.

Be faithful to yourselves and you will be faithful to your trust, and when in after years you visit these halls and recount to the Dido of your hearts the scenes of the past, you may justly and modestly exclaim as did the Ænaes of whom you have recently read.

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## ADDRESS AT A SCHOOL PICNIC.

In compliance with your kind request, I appear to address you upon this festive occasion. It would afford me sincere pleasure to be able to catch the inspiration of the moment and to speak to you in such language as would show my appreciation of the poetry of the hour. I would like to be able to say to you, how deeply I feel the warmth of this genial sun, how beautiful appears the cloudless sky above our heads, the green sward beneath our feet, the variegated flowers which adorn the bosom of the earth, and above all, how my heart leaps forward in joy at beholding these pleasant, happy faces around, and how tenderly and anxiously I cast forward my eye in future years and anticipate the destiny that may await you. But I bear these more beautiful conceptions and expressions to others, to whose lips the bees have imparted their sweeter utterances, and whose finer conceptions are more able to mingle in appropriate language the gay and beautiful with the language of gravity and wisdom. My dear children, it is to command your attention and to seek to impress upon your minds some homely but useful thought, so that long after these beautiful flowers which not only give additional beauty to the fair brows they cover, but lend beauty and fragrance to earth and air, have withered and faded and crumbled into dust, you may retain some thought and cherish some lesson of hope and wisdom that shall cheer, strengthen and sustain you in efforts of high virtue along the path of life. This world, children, has great need of honest, intelligent, practical and brave men, of intelligent, refined and fearless Christian women. Particularly is there great need of such persons in our day and among our people, in this very hour and at this place. We need them every where and in every position; we need them in our executive department, in the halls of legislature, in the courts of justice, in the pulpit, in the circuit of professional duty, and in the walks of private life. We need them in the Church, in the school house, and around the family hearth. Especially do we need them in the Cherokee Nation in the present condition of affairs. Each one of my hearers can well understand me when I say that we have rarely, if ever, been placed in circumstances so grand and interesting to us as a people. The day in which we live has never been surpassed in the history of the world, in the activity, the enterprise, the wealth and the intelligence of its people. I need not speak to you of the railroads which are constructed all over the country, of the schools and colleges, of the great buildings, of the bridges, the churches, the towns and cities, the well tilled farms, the countless herds of stock, the industry, the learning, the refinement, the telegraphy and the innumerable works of art and scientific discoveries which every where abound. These influences are peeping upon us now from almost every quarter, and will increase in power and strength until they become affirmed throughout our midst and find here as they have elsewhere—like the great waters which cover so large a portion of the surface of the earth, their level and rest. Now, children, what part do you wish to act in these stirring times? Choose that which you wish and under the guidance of Providence, a great degree such will it be. Aspire to eminence, to learning, to usefulness and to honor and they will be yours; be content with idleness, ignorance, misery and degredation, and they, too, will be yours.

The men who move the world are not the drones of the human family. They are the men who think and reason and act, who despise unfavorable conditions in their lives and toil and labor. And see what great and glorious results flow from such persons to instruct all nations and to bless the world. By the enterprise and fearless explorations of such men as Dr. Livingston, we are made acquainted with the various races of the world and the character of its geography. By the discovery of Morse, whose wires stretch from hill to hill and plain to plain, and rest in the profound depths of ocean, we are now brought in almost daily acquaintance and lovely intercourse with all the great nations of the earth, and so in regard to every branch of industry and art and science.

There is great activity all around us. And those of you who wish to be distinguished must be preparing for it. As before stated, not only your country, but the world is in need of brave and truthful and intelligent men and women. May we not hope that some of your children will be able to supply that want. May we not hope that some of these boys will grow up and become men who shall be a blessing to the family of man. Even here the field for your highest effort is inviting. Who among you will be able to make pure, enlightened and respectable rulers among your people? who will become upright and learned judges of our courts? who will become instructors of the youth of the land worthy to bear the name on account of their knowledge, the propriety of their deportment and deep purpose of their souls to have the world better because they have had an existence? Who will become the historian of our race and record with faithful pen and in truthful colors tell the story of their checkered career? who will unfold the resources that lie buried beneath our soil! who classify and point in truthful colors the flowers which adorn its bosom. But if none of you should become eminent, you may all be respectable; you may be useful. We need intelligence everywhere, upon the farm, in the orchard, in the raising of stock, in the building adorning of our homes, and around the fireside of the family.

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## WRITTEN FOR THE CHEROKEE ADVOCATE, BY INVITATION, ON THE SUBJECT OF EDUCATION.

If not trespassing upon forbidden ground, I desire access to the columns of the *Cherokee Advocate* to express a few thoughts in regard to the schools and education in the Cherokee Nation. Ample provision has been made and facilities supplied for a system of common and high schools, which is possessed to the same extent by no other tribe of Indians and by not a large number of states and territories. The result is that the Cherokees have a large number of schools supplied with books and stationery, in operation among them, and have had for a number of years. The management of these schools, supported as they are by their own friends, has been in their own hands and entirely under their own supervision and control. If there has been, therefore, any degree of success attending them the nation is fairly entitled to its credits while it is equally responsible for any failure. That there has been a share of both need not be denied. The measures which have led to success should be adhered to, while those causing a different result should be fairly stated and squarely met. In no captious spirit I shall name what may be considered some of the weak features in the management of our schools, because they are of a character that may be removed.

Want of stability is the first cause of weakness and failure. There is nothing settled and permanent for more than a year. There is almost an annual tinkering at the school laws. First one change and then another, and these quite as apt to be from bad to worse as otherwise. For these changes the law-making branches of government are responsible. When the national council ceases its experiments, and the executive to approve them, this source of evil will disappear, but not sooner. Let the school and the church alike be exempted from the polluting touch of partisan politics and personal favoritism.

2nd. Incompetency in the boards of education is the next weakness in our school system. I am aware that this utterance may be impalatable, but believing it to be true, I feel excusable for stating the fact out of appreciation for the grave and all permeating interest the whole Cherokee people have in the education of the rising generation. I am not making reflections on personal character, but am referring to the question of official qualification and fitness. In expressing an opinion of the incompetence of the board of education, I simply give language to my idea of competence as flowing from sound education, observation and experience. I doubt whether such competence exists in the country. If not it should be obtained elsewhere.

3rd. Incompetent teachers is the third source of weakness to be named. I am far from saying or meaning that all our school teachers are not qualified and well qualified for their interesting duties. But it is common remark that many are not of this class and that their appointments are due to sympathy or favoritism. If many of our young ladies were school misses and not school marms it would be much to their own interests. The same may be said of young men. Not only does weakness in a school arise oftentimes from the youth, inexperience and lack of educational knowledge of the teacher, but the evil is aggravated by the changes made in teachers so frequently from term to term. A teacher of pluck and spirit if deficient in qualifications, can by diligence and permanence accomplish a great deal in educating and training himself with his school. No reference need be here made to the moral qualifications of teachers, nor to that culture of habits and manners which constitute our estimate of a lady or gentleman. These attributes are presumed to be possessed by every individual who aspires to be an instructor of the young if they do not, unfortunately for the welfare of the school, always exist.

4th. The unsuitable buildings, ycleped school houses in which many public schools are professedly taught, is another noticeable source of weakness in our school system. Too small in size, insufficiently lighted, poorly heated, and badly seated, without suitable furniture, if any, it is not surprising that teachers and taught find them alike uncomfortable and repulsive. There is now in the mind of the writer, a house of this description in some respects. A large school with two teachers is crowded into a room barely sufficient for a goodly attendance for a single school, located on an elevation, exposed to the heats of summer and the blasts of winter, without a shade tree, or a blind to the windows, or a well of water convenient, or a single out-building for the convenience of the children, and no plastering to its battered walls, and this in one of the oldest localities in the nation and whose children are almost exclusively those of intelligent white and half-breed parents. Fie on such a want of public spirit, say we. But the evil will probably continue until the national council prescribes a cheap and suitable building before locating a public school in a neighborhood and some guarantee for the continuance of competent teachers under reasonable pay.

5th. The last weakness I shall mention is one for which parents and the public spirit of the neighborhood in which schools are quite as responsible and even more so than any one else. Without their lively interest, sympathy and co-operation the best, most faithful and conscientious teachers may fail. There must be obedience to wholesome rules in school and at home. To secure the former is the imperative duty of the teacher; the latter that of the parents. Regular and prompt attendance by the pupils is the prime factor in their improvement, and this must be had by the interest in their studies, awakened in their minds by the teacher and supplemented by the exercise of authority if necessary to enforce it by the parents. But enough for the present.

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## WRITTEN FOR THE ADVOCATE WHILE PRESIDENT OF THE BOARD OF EDUCATION.

### NORMAL INSTITUTE.

As the law gives preference to nations in the employment of teachers of the schools sustained by the public funds, they naturally expect it, if not in every case, possessing qualifications equal, to those of applicants from abroad. The object of this provision is to afford encouragement and employment to those persons wishing to adopt the profession of teachers either temporarilly, or as a regular pursuit, whose interests are personally and permanently identified with those of their country. While fully recognizing its propriety and heartily sympathizing with its spirit and intent, we should not be unmindful of the effects that flow from it unless the responsibility it imposes be understood and met in a timely and suitable manner. With but few exceptions, citizens of the nation are now employed in all the schools, but the pressure in that direction will grow stronger as the number of young persons who attend school at home or in the states shall enter, from time to time, upon the active pursuits of life.

In compyling with their wants and the influence of their friends there is a strong probability that the general progress of education may, in some measure, fail to keep pace with its advance elsewhere, and with the great demands of our own people. To guard against such occurrence, teachers thoroughly imbued with the spirit of the times and fully equipped for their duties will be required. In brief, our teachers must be competent in all respects. To expect to obtain enough of them with the means now within the reach of a majority of our people is not reasonable, nor will we have them until they be specially trained for teaching. This cannot be done at home with the facilities now at hand and the expense of travel, board and tuition in going abroad to obtain them are more than the greater number of them are able to incur. Hence, we respectfully invite your attention to this question of vital importance to the cause of education among us and suggest that the national council be asked to make an annual appropriation, sufficient for holding normal institutes for the special training of native teachers. The institute should be held under the supervision of the board of education and should cover a period of from four to six weeks during the months of July and August. For this purpose, the use of the school and recitation rooms in the male seminary should be allowed.

Citizens of the country should be allowed to attend them free of tuition, but at their own expense of board and lodging; and only such as availed themselves of the privileges for improvement in the line of their profession should be employed in the primary schools of the nation. The sum of———dollars, it is believed, would meet all reasonable salaries of competent instructors and such small incidental expenses as might arise.

The advantages to be derived from such institutes by our teachers, cannot be lightly estimated. They would obtain a knowledge of improved methods of instruction, discipline and school management. And have infused into their own minds and hearts a full appreciation of the great and high character and responsibilities of the duties assumed in engaging in imparting knowledge and principles to the children of this country, which will cling to them through life and eternity.

The benefits derived from them are fully understood at all the great centers of education elsewhere, and provision has been made for them in many places for the express purpose of keeping up the existing supply and prospective demands for thoroughly trained teachers. It is no detraction from those now teaching among us to say that we need them and shall need them more and more hereafter. Let us have them; give us the means and we will have them of and among ourselves.

### INDUSTRIAL TRAINING.

Section 20 of the statute "Relating to Education," p. 236, Laws of the Cherokee Nation, authorizes the board of education to declare the boarding schools of the nation "industrial or manual labor boarding schools," when deemed expedient, and to provide the necessary means for promoting the agricultural and mechanical industries in such schools.

Regarding this subject as one of great interest, the board of education respectfully asks the co-operation of the national council in carrying into effect this provision of law. It is not the purpose of the board to recommend the conversion of our high schools into manual labor schools upon the plan that such schools are supposed to be usually conducted, but in a more limited sense to introduce industrial training as a part of the regular course of instruction. One of the great wants of the country is skilled labor. We have enough persons who are anxious to engage in clerking, teaching and professional or official pursuits, indeed more than there are places to fill, but a scarcity of those who are both willing and able to work with their hands.

While it is not supposed that the nation can or should embark at present in training skilled artisans, it can and should do something to aid those whom it is freely educating at large expense, in obtaining such practical knowledge of the ordinary demands of private life as will enable them to provide successfully for their own support. Many of the youth, indeed the larger portion of them, who are now attending the boarding schools of the nation, when sent out from them, will have to look to their own exertions for a livelihood. They will be forced to earn their own living in a manner that will be honorable to themselves and beneficial to the country or the universe; and since it is within the power of the nation to aid largely in determining what result shall follow, it is manifestly its duty to exercise it. Many of our girls need practical and thorough training in the domestic duties of life, and this can be furnished them at school without much detriment to any degree of study or recreation which should be required of them. And the same is true, to a greater extent, of our boys and young men. They should be taught how to farm, how to grow different crops, how to plant orchards and gardens and their cultivation, how to care for stock, and how to erect buildings, make fences and gates and repair their implements. The capacity for these duties is present and only needs development among us by proper instruction and training, and we ask that an appropriation be made to enable the board of education to carry into effect the provision of the law here referred to.

Sundry suggestions:

It is also recommended that the words "*of the male sex*," line 4, section 15, page 234, be struck out of the statute as a discrimination against the female sex, which is unjust and doubtless unintentional. Also that the proviso in section 21, page 236, be struck out. While all persons who complete the normal course at either the seminaries or the orphan asylum should have due consideration shown them, there is no reason why they should be entitled *permanent* first-class certificates as teachers, any more than the holders of diplomas from institutions of as high or a higher standard of education in the country or elsewhere should be. It serves no useful purpose. The progressive teachers from our own institutions do not need it for their position, while the non-progressive should not have it as a shield for their indolence.

That section 35, page 240, which requires that the principal teacher of the female school shall be a female, be repealed. It is not to be presumed that a competent and satisfactory principal will be removed or one of a contrary character appointed, but the board does not see any good reason why this limitation should be made. The selection should be left open and the board be allowed as deemed best for the interests of the institution to employ either a female or married male principal for the school.

## MUSIC.

Provision should be made for instruction in music and drawing at the female seminary upon a plan different from that now existing. A teacher should be employed to teach vocal music and drawing to the whole school, and instrumental music to those students who may be desirous of pursuing that important branch of a finished education at their own expense. At present the teacher is provided with board and lodging and relies for remuneration upon those students who desire to take lessons on the piano at their own expense, the teacher furnishing the instrument for instruction and operation. This arrangement is not satisfactory and it is recommended that the nation appropriate a suitable sum, say one thousand dollars, for the purchase of pianos and charge a fair rent for them from the parents and guardians who may desire their daughters or wards to be instructed in instrumental music, and that the teacher receive as part of her compensation a reasonable tuition from the same source.

### INSURANCE OF BUILDINGS.

Your attention is again respectfully called to the duty of having the buildings of the high schools and the orphan asylum covered by insurance by responsible companies. The utmost precaution may not, at all times, be effective in guarding against the occurrence of fires, and proper measures should be taken to protect in some degree, the large pecuniary interest at stake in these costly and valuable buildings. This simple mention of the subject of such manifest propriety seems to be all that is required of the board in the premises.

### PRIMARY DEPARTMENT.

While the individual members composing the board of education are quite willing to be relieved of the duty of making admissions to the primary departments of the high schools, they are of the opinion that the act passed at the late session of the national council on this subject, is defective in form and calculated to defeat, to some extent, the object of those departments. It does not define what is to be taken as the distance from a primary school which removes it from the neighborhood of the applicant; does not limit the number that may be entered from a single family; does not limit the number of certificates that may be issued by the clerk of the court and gives no discretion to the steward in making selections in case there are more applicants for admission than the law allows. It also prescribes a humiliating oath from the applicants, and imposes no restriction or penalty upon any one who may improperly take it, as it involves only two questions, the one of means and the other of distance, and which are almost entirely matters of conscience with the applicant. There may be children as completely within the intent of the founders of the fund for the benefit of indigents, within a half mile of a primary school as those five miles from it, and those who are best informed and most alert in action are those who, in many instances, get the benefit of the law, and not the most needy. If the board of education are not to be trusted with the selection of pupils for those departments, it should be placed in other hands than where the law now places, in the hands alone of those who are willing and quickest to comply with its loose and indefinite terms.

* * *

## ADDRESS ON THE DEATH OF JOHN ROSS.

Hon. John Ross, who was for forty years principal chief of the Cherokee Nation, being elected every four years, died in the City of Washington, in August, 1866. His remains were interred in the beautiful cemetery on the banks of the Brandywine, near Wilmington, Delaware, near the home of his second wife. A few months later, however, his nation reclaimed his remains, and it was ordered by the council that they be brought home to the Indian country. Wm. P. Ross, his nephew, (the subject of this book) was sent after them, and they were brought back and re-interred in the cemetery near his once lovely home, at Park Hill, five miles from Tahlequah. The following speech on the death of Chief Ross was delivered before the council of 1866, by William P. Ross, who was elected to fill the vacancy caused by the death of his uncle:

*My Friends:*

We have come to bury the body of John Ross. We have come to pay homage to his memory as a father, a neighbor, a friend, and the oft chosen ruler of our nation. Upon this sacred eminence where he often followed to their last resting place departed friends. Here where he often lingered and pondered, here in view of that shaded streamlet and yonder picturesque hills, of that stately edifice erected through his instrumentality for the education of the daughters of his nation, of the church in which he worshipped, of the blackened ruins of his home once the abode of peace and refinement, of domestic happiness and enlarged hospitality. Here in the presence of kindred and friends whom he had loved so well, and of the people whom he served through life, and upon whom he bestowed his dying benedictions, we commit to earth the mortal remains of a man who long moved amongst his people without a peer. Possessed of a robust constitution, a sound and well developed body, a vigorous mind and a will that calmly met the perplexities of public life and successfully combatted its greatest trials, the time in which he lived and the position he occupied drew around him on the one hand a friendship that never faltered, and on the other caused him to be assailed with a malignity without a parallel. We claim not for John Ross exemption from error and imperfection, but believe, that he enjoyed in an eminent degree a power of intellect and endurance, a tenacity of purpose and an earnestness of soul which belong only to great men, qualities which impress themselves upon the character of the day, in which their possessors live, and send an influence far down the stream of time.

Born at Tah-noo-v-a-yah, on Coosa river, October 3, 1790, and dying at the city of Washington, August 1, 1866, his three score years and ten extended through a period pre-eminently productive of great events. In early life his means for improvement were limited. The Cherokee people were then in a rude condition, and the surrounding white population were but little more advanced. There were then but few roads and wagons, and no steamboats, churches nor school houses But two treaties had been made between the United States and the Cherokee Nation, and the people were generally ignorant of the arts and letters of civilized life. With few exceptions, the Indian costume was then worn, and he often related the raillery to which he was subjected by his boyish companions when he first appeared in the garb of the whites. The first teacher introduced into the nation was a private tutor in the log cabin of his father, and the means of instruction now free to all our children are more than he ever enjoyed. In 1809 he was appointed by Col. Meigs, United States agent for the Cherokees, to visit these Cherokees who were then living near the Dardanelle rock on the Arkansas river. With only three companions he descended the Tennessee and Ohio rivers to Cairo, and thence to the mouth of the Arkansas, and up that in a canoe to the Post, and from there with the bridle of his pack-horse in one hand and his rifle in the other, he walked to Dardanelle, transacted his business and returned on horse-back to the Cherokee Nation. In 1819 he was president of the national committee. His public services extended over a period of more than fifty years. And who shall estimate the importance of that service and the influence it exerted in giving shape and character to the history of his nation? The formation of a government of written laws was due chiefly to his exertions. It was deemed an innovation and met with no slight opposition from well meaning, but poorly informed, persons who imagined that the traditional customs of their fathers were better adapted to the wants and condition of the Indian than a code of written laws. But John Ross knew better. He knew that the administration of justice according to custom was irregular, uncertain and without fair discrimination. He knew that a plain and equitable constitution which should be regarded and reverenced as the supreme law of the land, and laws passed in conformity with its provisions and fairly enforced, were the only safeguards for life and property, the only support and defence of the rights of the people. He knew that the aboriginees of this continent were disappearing as the morning mists before the superior education, enterprise and activity by which they were surrounded; and that the only hope for their preservation from fraud, corruption and extermination was to be found in the dissemination of knowledge among them and in their adoption of habits and industry and the precepts of the Christian religion. Hence he was the early advocate of a well defined form of govment, the promoter of the arts of domestic life and the friend of education and the early missionaries among the Cherokee people. In these views, which are as sound and cogent and applicable to our condition now as then, he was sustained by a class of men irrespective of party, who were remarkable for their sterling common sense, their unwavering firmness and unquestioned patriotism. And no one who looks back a few years upon our condition can doubt the forecast of their wisdom or the eminent success which crowned their efforts. John Ross lived to witness remarkable changes among his people; he saw a code of laws adapted to their circumstances, generally respected by the people and well administered by an improving judiciary; he saw a legislative body composed of members chosen at stated elections by the voters of the nation, annually convened; he saw his people acting as judges, jurors, legislators, ministers, physicians, mechanics, merchants, agriculturists and herdmen; he saw them domiciled in homes of their own with the necessaries, the comforts and, in many instances, the luxuries of life around them, fields, orchards, herds and multiplying families; he saw schools throughout the country attended by well clothed children with sparkling eyes and happy faces, and churches thronged by solemn and orderly congregations. And in this transformation he saw the evidence of what he had never doubted, the susceptibility of the Cherokee people to the highest degree of modern civilization!

But these results were achieved amid the strife of conflicting opinions, and a vain but memorable struggle for their native streams and mountains against the policy of the general government and the difficulties engendered by its enforcement. The controversy was painful and protracted, but won for the Cherokees profound sympathy and high admiration. The oppressive legislation of Georgia, the seizure of our gold mines, the allotment of our lands to her citizens, the imprisonment in the penitentiary as common felons of our missionaries, the ejection of Cherokees from their homes and the whole series of acts to harrass, annoy and expel them from their country, will ever stand forth in striking contrast with the patience, the fortitude and heroism displayed by the Cherokees. It aroused an interest throughout the country never before felt in regard to the rights and destiny of the Indians, and, which, unfortunately for them, may not again be experienced. The press teemed with articles on the subject, the most distinguished statesmen of the day discussed it in the halls of congress, and the highest judicial tribunal of the land after elaborate argument by learned counsel, determined the relations borne by the Cherokees to the government of the United States. They achieved the moral and legal victory, but were powerless to enforce it. But Missionary Ridge, Chickamauga, Lookout Mountain and Sherman's *trail* are historic, and when the *state* guard who had been humming "Home, Sweet Home," coarsely insulted its author, John Howard Payne, the co-prisoner of John Ross, the enfranchised freedman now whistles Yankee Doodle or with clanking sabre and in the uniform of the federal army, dashes his charger along the streets of her busiest marts. "There is a destiny that shapes our ends, rough hew them as we may." The sufferings, the losses and the deaths which attended the uprooting and transplanting of a whole people and the animosities it engendered have passed into history. They marked an epoch in our career, and I refer to them now because John Ross was one of the most distinguished actors in that eventful drama.

Upon the events that followed the removal down to the beginning of the late rebellion, I need not dwell. You are all familiar with them. You know the difficulties and dangers through which we successfully passed, that our government was re-established and improved, that we grew and prospered under it, especially after the treaty of 1846, and that in contrast with our present condition we were happy, thrice happy. The acme of our sorrows, dangers and distress, as a people, were reserved, however, for the last few years. War, pestilence and famine have lavished their fearful horrors upon our devoted land. You, who survive, have seen and felt and wept over them. I will not raise the pall that covers its wasted and mangled victims. Let us hope that we are emerging from its sorrows and desolations, and that we may come forth from its fiery furnace refined and purified, wiser and more humble, looking alone to the interests of the future, extending charity and forgiveness to one another, and devoting our united hearts and hands to the peace and improvement of all our people. I will not, therefore, discuss the views and conduct of John Ross in connection with the war, nor the motives that prompted the iniquities sought to be heaped upon his name and memory. Those who knew him best will not censure his course or impugn his motives, while the bitter assaults and the brutal malignity that pursued him through protracted illness to the hour of death, will hereafter excite only the abhorrence of all just and well informed minds.

The star that guided John Ross through his long and eventful life, sprung from a clear conviction of duty and a firm reliance upon right. It illumined his pathway and directed his purposes. It made him dutiful, affectionate and studious in youth, active and industrious in the avocations of early manhood, firm, hopeful and self-reliant under all circumstances. It gave him courage on the battle field. It gave him calmness amid the harrassing cares and perplexities of public life. It gave him power in the controversies to which it lead in the defense of the rights of his people at different times with the officers of the government. It gave him the confidence and affection of his people, such as no other ruler among them ever enjoyed. It sustained him in the last and greatest trial of his life amid official usurpation, contumely, reproach and misrepresentation, stirring the blood of his age, strengthening his enfeebled body and defying death itself until his position was recognized and name vindicated. Fully comprehending the relations of his people to the government of the United States, he was at all times courteous, dignified and respectful in his intercourse with its officers, but fearless and determined in asserting and defending their rights, not given to the trial of expedients and above bribery and flattery, he spurned a resort to either to accomplish his ends. No reviling language escaped his lips in regard to his bitterest foes, nor did vulgar expressions or obscene stories ever pollute them. The temptatations of public life never lead him into dissipation. Temperate himself, and deploring the sad effects of drinking and drunkenness in others, he was a decided advocate of the temperance cause. A friend to education, he gave liberally of time and means to confer it upon others, and there are not a few, who, like myself, are indebted chiefly to his munificence for whatever of knowledge they have acquired. Given to hospitality, strangers and acquaintances were alike welcome to his board, and none left his house hungering. Appeals to his benevolence were not often made in vain, and the humblest who approached him on business or for information, were as promptly and kindly received and attended to as those in more influential position. Deeply interested in the young, he was by those who knew him, greatly beloved. Fond of horticulture, he devoted much of the leisure of late years to the improvement and adornment of the yard, the garden and the orchard. A member of the church for many years, he endeavored to advance the cause of religion, diligently read the great book of life and humbly partook of its holy sacraments.

Such was John Ross. He died at the post of duty, at a most solemn crisis in our affairs; was temporarily interred in the cemetery at Wilmington, Delaware, and has been brought here by authority of the national council for final burial among those whom he so much loved and so long served. It is meet that such action has been had. It is proper, that here, should his dust mingle with kindred dust, and that a suitable memorial should arise, to mark the spot where repose the bones of our greatest chieftain. It will keep alive within our bosoms a spirit of patriotism. It will impart strength and hope in the hour of adversity. It will teach us to beware of domestic strife and division. It will serve to unite us more closely in peace, in concord and in devotion to the common welfare. It will soften our asperities and excite the thoughtful youth of our land to patience, to perseverance, to success and to renown.

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## RESOLUTIONS ON THE DEATH OF MR. JOHN ROSS, WHITE CATCHER AND MR. THOMAS PEGG.

The national council having received the official announcement of the death of John Ross, principal chief of the Cherokee Nation, desire to place upon record this humble testimonial in appreciation of the long and eminent services he rendered to the Cherokee people, and as fully expressive of their sense of the loss they have sustained by his death. John Ross was born on the 3rd day of October, 1790, and died in the City of Washington, on the 1st day of August, 1866. In the year 1809, he was entrusted with an important mission by Col. Return Meigs, United States agent for the Cherokees, and of honest memory, to the Western Cherokees, who were then located on the Arkansas river, above and below Dardanelle Rock. From that period to the close of his life, he was, with the exception of two or three years in the earlier part of his career, in the constant service of his people, furnishing an instance of confidence on their part and fidelity on his, which has never, perhaps, been surpassed in the annals of history. In the years 1813-14 he was adjutant of the Cherokee regiment under General Andrew Jackson, in the war against hostile Creeks, and was present, besides others, at the battle of Tehopuka, where the Cherokees, under Col. Morgan, of Tennessee, rendered distinguished aid. In 1817, at the instance of his life-long friend, James Brown, a major in that regiment, and who only departed this life in the 84th year of his age, at Bentonville, Arkansas, in 1863, a loyal fugitive from home and country, he was elected a member of the national committee of the Cherokee council. The first duty assigned him was to prepare a reply to the United States commissioners, who were present for the purpose of negotiating with the Cherokees for their lands east of the Mississippi, and in a firm resistance to which he was destined a few years later to test the power of truth and to attain a reputation of no ordinary character. In 1819, Oct. 26th, his name first appears on the statute book of the Cherokee Nation, as president of the national committee, and is attached to an ordinance which looked to the improvement of the Cherokee Nation, providing, as it did, for the introduction into the Nation of schoolmasters, blacksmiths, mechanics and others. He continued to occupy that position till 1826. In 1827 he was associate chief with William Hicks, and president of the convention which adopted the constitution of that year. That constitution, it is believed, is the first effort at a regular government with district branches and powers defined, ever made and carried into effect by any of the Indians of North America. From 1828, to their removal west, he was principal chief of the Eastern Cherokees, and from 1839 to the time of his death, principal chief of the united Cherokee Nation. In regard to events that occurred in his career since 1830, it is not necessary here to speak in detail. The formation of a regular government, the multiplication of schools and the dissemination of knowledge among the Cherokee people, whereby they were rapidly advancing in the arts and comforts of civilized life, were looked upon with suspicion instead of generous approbation by much of the white population by whom they were surrounded, who were anxious to possess their lands. Every church that was dedicated, every school that was established, every fruit tree that was planted, every home that was erected and made comfortable, served as so many lights to illuminate the minds, and as so many magnets to fasten the affections of the Cherokees to their native hills and streams. The discovery of gold mines in their country, only increased the cupidity of the whites, and Georgia became particularly clamorous for their removal and oppressive in her legislation. The contest which ensued from 1830 to 1838 will ever remain memorable. It awakened an interest among the people of the United States never before felt, and it is to be feared, never again to be revived, in regard to the rights and condition of the Indians. The halls of congress rung with appeals in their behalf, and the usual monotony of the supreme court was broken by the learning and eloquence of some of the most eminent lawyers of the United States. The Cherokees, with John Ross at their head, alone with their treaties achieved recognition of their rights, but they were powerless to enforce them. They were compelled to yield, but not until the struggle had developed the highest qualities of patience, fortitude and tenacity of right and purpose on their part as well as that of their chief. The same may be said of their course after their removal to this country, and which resulted in the reunion of the Eastern and Western Cherokees as one people, and in the adoption of the present constitution.

This National Council having given an expression of its views at their last session in regard to the position assumed by the commissioners of Indian affairs, D. N. Cooly, and others, at Fort Smith, in September, 1865, towards John Ross in connection with events growing out of the rebellion, deem it unnecessary to dwell here upon subjects so recently and fully discussed. That, with many other occurrences in our trying history, as a people, is confidently committed to the future page of the historian. It is enough to know that, but because he was too sick to attend, the treaty negotiated at Washington would have borne the full and just recognition of John Ross' name as Principal Chief of the Cherokee Nation, and that "Truth, tho' crushed to earth, will rise again," because the eternal years of God are all His own.

Blessed with a fine constitution and a vigorous mind, John

Ross had the physical ability to follow the path of duty whereever it lead. No danger appalled him. He never faltered in supporting what he believed to be right, but clung to it with a steadiness of purpose which could alone have sprung from the clearest convictions of rectitude. He never sacrificed the interests of his nation to expediency. He never lost sight of the welfare of the people. For them he labored daily for a long life and upon them he bestowed his last expressed thoughts. A friend of law, he obeyed it; a friend of education, he faithfully encouraged schools throughout the country and spent liberally his means in conferring it upon others. Given to hospitality, none ever hungered around his door. A professor of the Christian religion he practiced its precepts. His works are inseparable from the history of the Cherokee people for nearly half a century, while his example in the daily walks of life will linger in the future and whisper words of hope, temperance and charity in the ears of posterity.

Your committee recommend that this brief memorial be spread upon the journals of the national council, and the adoption of the following resolutions:

1st. That the national council have received with profound regret the official announcement of the death of John Ross, Principal Chief of the Cherokee Nation, which occurred at Washington City on the 2nd day of August, 1866, in the 76th year of his age.

2nd. That in his death the Cherokee people have lost a great chieftain, eminently distinguished by public services for half a century, by constant and enlightened efforts to advance their welfare, and by unyielding adherence to their rights and interests during his long and uninterrupted official career.

3rd. That it is appropriate that his remains should rest among those he so long served.

4th. A committee of two be appointed whose duty it shall be to convey to this country, his remains, at the expense of the Cherokee Nation.

5th. That a committee of five be appointed whose duty it shall be to provide for suitable obsequies on the arrival and interment of his remains, and to recommend the ways and means for erecting a suitable monument over his remains.

The national council desire to express also their deep sense of the loss sustained by the Cherokee Nation in the deaths of Thomas Pegg and White Catcher, two other members of their delegation at Washington during the last year. Thomas Pegg died in Washington on the 22nd day of April, 1866, and was buried in the congressional burial ground. At the time of his death he was one of the associate justices of the supreme court of the Cherokee Nation. During his life he was a useful and exemplary member of society, and for many years a professor of the Christian religion. He filled various important trusts at different periods among the Western Cherokees previous to the union between them and the Eastern Cherokees in 1839, and subsequent to that event. He held a seat on the bench of the supreme court at different periods, and also in the national committee; as president of the national committee, he became *ex-officio* acting principal chief of the Cherokee Nation in 1862-3. He also held the rank of captain in Company E, 3rd regiment, Indian home guards, commanded by Col. William Phillips, United States volunteers, and was distinguished alike by his gallantry and fidelity to duty.

White Catcher died at Pleasant Hill, Mo., on his return home, on the 17th day of August, 1866. He had been a member of the council, and was, at the time of his death, a member of the national committee for Tahlequah district. He was captain of Company "I," 3rd regiment, Indian home guards, under command of Col. Wm. A. Phillips, from the time of its organization in 1862, until honorably mustered out of the United States service at the close of the rebellion in May, 1865. Distinguished alike for valor and patriotism, he will long be remembered among his people as they recount to their children around the domestic hearth, the story of the great rebellion. Never in their history have the Cherokee people been so afflicted in their delegations as in that which have just returned home. John Ross, Thomas Pegg and White Catcher have been called from earth and now sleep with our fathers, who were their associates amid scenes of trial that have rarely befallen any people. But they will continue to live in example. Let their virtues be cherished among a grateful and afflicted people.

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## LETTERS OF CONDOLENCE.

From the numerous letters of condolence received by Mrs. Ross after the death of her husband, the following have been selected to show the true worth of the character of Mr. Ross, and how his many friends loved him:

MUSCOGEE, July 20, 1891.

*My poor, dear, stricken friend:*

If it was hard to have him with whom I had walked for thirty-one years taken from me, what must it be for you to have so suddenly snatched away from you, him, who for nearly half a century, has been joined to you in the closest union that earth affords. What a mercy that such blows are stunning, preventing our realizing, at first, their full force, for, if we could, it seems as if we would almost be cut down by the side of our companions, and our bodies laid to rest with theirs. My whole family will feel that they have lost a friend, but my daughter Alice, especially, will mourn the loss of one on whose sincerity and friendship, she felt she could rely. I regret her being away.

But infinitely greater mercy it is, that He who calls Himself the bridegroom is always waiting for us to lean upon His bosom in our loneliness, and to bless us with such a sense of His love as will relieve our desolation. "As the bridegroom rejoiceth over the bride, so shall thy God rejoice over thee." "For thy Maker is thine husband: the Lord of hosts is His name." That last assurance is the one in which I found comfort I would not have expected, during the months which immediately followed my bereavement, ten years ago last month. And I trust you will find in what a sweet sense He can more than fill in our hearts the place of the dearest earthly friend. The earthly friend must often, at best, be away from us, and we may be unable to express to him *all* that our hearts feel; but not so is it with our heavenly Friend, before whom we may be pouring out our hearts, while friends around us are all unconscious of the communion we are having with Him, and the sweet peace He is pouring into our souls.

And you have also the sad comfort which I had in feeling that you do not mourn alone; that your loss means sad loss not only to a wide circle of relatives and personal friends, but to a whole tribe of people, whose good he had so constantly at heart. And though this is, as I say, a *sad* comfort, it is yet a very great one. And your dear husband's work for his people during all the years since his early manhood had given him a wide circle of friends, whose hearts will go out in sympathy for yourself and your dear children and grandchildren

"Leave thy fatherless children with me; I will preserve them alive; and let thy widows trust in Me!"

Poor, dear Mollie! Please give her much love from me, and tell her I am so sorry for her. But if in her sorrow she will take God as her father, how blest she will be! She will miss her grandfather almost as much as your own children will. Please give to them all my loving sympathy.

Praying that strength and peace from above may be yours, I am, in deep and loving sympathy, your friend,

A. E. W. ROBERTSON.

SALINA, IND. TER., July 28, 1891.

*Mrs. Col. William P. Ross:*

We desire to enter the shadow of that great grief which now oppresses yourself and family, to place a feeble but heartfelt tribute upon the grave of your distinguished husband; as a private citizen, his example was in the interest of order and progress; as an educator, he has been identified with every forward step we have made as a people; as a statesman, he filled the various positions in the government of our country, with credit and honor; as a patriot, he was quick to see the danger and ready to suggest a remedy for any peril which might endanger our national existence; as an orator, he was second to none in the history of our nation. His appreciation and commendation of merit, wherever found, his superb moral courage and his incorruptible public and private life must give him an enviable place in the hearts of his sorrowing countrymen. Peace to his ashes!

With profound respect,

J. F. THOMPSON,
W. T. ADAIR,
M. E. THOMPSON.

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41 WHITMARSH STREET,
PROVIDENCE, Aug. 12, 1891.

*My Dear Mrs. Ross.*

I found the letter from your daughter, Mamie, announcing the death of your husband, and my old and very dear friend, awaiting me on my return from Europe, where I had been spending the summer. It was a great and terrible shock to me and my heart went out in deep sympathy to you, my dear Mrs. Ross, for I, too, have known what it is to suffer the loss of the dear companion of my life; and only those who have done so can know how deep and incurable is the wound, and how vain are any words of earthly consolation. But so far as sympathy can be of any comfort to you, I give you mine to the fullest.

I need not tell you how much I valued the friendship of your husband, or how much I esteemed him for his intelligence, his high-mindedness, and his sincere devotion to his country and his unfortunate and oppressed people. I was proud always to speak of him as my friend and to allude to him in public and private as his merits deserved. I had always cherished the hope that I should be able once more to pay a visit to Fort Gibson and see and talk with him and you, but constant cares and occupations intervened and I was never able to carry out my wish While in Europe I received a most cordial and friendly letter from him, which had been forwarded to me from Providence, and which I showed to my friends with great pride as a token of friendship from an Indian chief. I shall always regret that I did not answer it at once, but in moving about from place to place I did not have what seemed to be a fitting time or opportunity, and so postponed it until my return home. And now it is too late.

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I shall always be glad to hear from you, my dear Mrs. Ross, and I sincerely hope that your health and strength will not be permanently impaired by the terrible shock, and that you may be spared for many years to be a comfort to your children and grand-children.

Again assuring you of my deepest sympathy, I am

Yours sincerely, ALFRED M. WILLIAMS.

[Mr. Williams was for many years editor of the *Journal*, published at Providence, R. I., but on account of failing health resigned his position a short time before the death of Mr. Ross.]

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BARTLESVILLE, IND. TER., July 27, 1891.

*Mr. Hubbard Ross,*

*Fort Gibson, I. T.*

*Kind Friend:* Yours, of the 22nd, containing the sad news of the death of your father, the one, my family and I, esteemed above all other friends in the Cherokee Nation, is to hand. We feel that our truest friend here has gone, and not only *our* friend, but a friend to all the Delaware people, and one that was at *all* times *true*. We know the loss is not to us, as it is to his bereaved family, though we mourn the loss of our *truest friend*, and trust that the friendly relations will ever exist between us and his remaining family. We all join in deepest sympathy with your mother and you all.

Your friend, J. H. BARTLES.

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LITCHFIELD HOUSE,
WASHINGTON CITY, D. C.,

*Mr. Phillips Ross:* July 27, 1891.

MY DEAR MR. ROSS: Your kind letter, informing me of the death of your father, after going to Salina and being forwarded here, reached me last night. If I had been at home or if it had been possible I would have gone down to Fort Gibson and accompanied the remains of my dear old friend to his grave. While here, I saw notices of his death, and discussed with many officials and other persons about him. The President spoke of him while I saw him at Cape May last Thursday. All felt that the noblest man in the Cherokee Nation had fallen.

Your father looked so well last council. I had a letter from him about two weeks ago, which I had not time to answer ere death cut the line by which I have often had such kind communications. Your father's death was indeed a surprise, for I had hoped he had still a long life of service for the country he loved so faithfully.

Please give my deepest sympathy to your mother. I know what the separation is to her. May God in kind providence deal mercifully with her. When she is able I wish she could visit us in Kansas. Also give my smypathy and regard to your brothers and sisters. It is a hard parting, but his honorable life is a heritage of which you may all feel proud.

To you, my dear Phillips, I will only say that this charge must recall you to your illustrious lineage, and to the duties your country needs and expects from you.

In deep sorrow for one of my dearest friends,

I am, Sincerely Yours, WM. A. PHILLIPS.

PARK HILL, C. N., July 22, 1891.

*Dear Cousin Mollie:*

The sad, the stunning news, came to me with a shock! Your irreparable loss; your companion and beloved husband taken from you, by the relentless hand of death! and, oh, how my deepest sympathies go out to you and your dear children in your heart-stricken grief and sorrow, sent thro' the dispensation of an All-Wise Providence, you are bereaved of your best friend and beloved one; your dear children of a fond and affectionate father; his only sister of a loving brother; his immediate family and connection will all feel his loss and miss his kindly interests, etc. Our nation has lost her brightest light. O, what a loss! our people, their best and true friend; they will miss and mourn for him. Tho' it was impossible for me to go down to the funeral, as I long to do, yet I can shed the tear of sympathy, and mourn with you, for he was like a brother to me. I'll never forget his kind sympathies and words of comfort in *my times of distress and sorrows.* Oh, how my father loved him! I can say nothing to comfort; God alone can. Your "loss is his gain." This, I know will be a comfort. May God bless you and yours, is the sincere wish and prayer, of your cousin,

JANE NAVE.

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WAGONER, IND. TER., July 24, 1891.

*Mrs. Ross—Dear Madam:*

Stranger 'though I be to you, I beg the privilege of adding still one more to the list of those who sincerely mourn with you in your sad bereavement. The announcement of your husband's death fell upon me with a great shock, for I had so recently seen him in apparent health and the full possession of his mental powers. It was my privilege to have met him but seldom; to have had but a slight acquaintance with him; yet even upon so short an acquaintance, I felt forcibly and irresistibly drawn towards him, as one is ever drawn by such strong, brave and lovely characters as his. In his death, not only his family and personal friends sustain an irreparable loss, but the whole nation mourns him as one whose place and influence can never be filled. May God, in His infinite love and compassion, comfort and sustain you in your great sorrow.

Most sincerely, GEO. W. CLELAND.

## RESOLUTIONS OF RESPECT.

HALL OF ALPHA LODGE, NO. 12 A. F. & A. M.,
FORT GIBSON, I. T., July 27, 1891.

*Whereas:* The Great Builder in his allwise plans has been pleased to call into another state of being our esteemed friend and brother craftsman, Wm. P. Ross.

*Resolved:* That though we are sad, and cannot understand why these great dispensations, still we have full faith in the Great Master, and know He "doeth all things well," and we humbly submit to His will and guidance, trusting that when mortal life is ended and when that Great Light is breaking in the East, we may be permitted to rejoin our departed brother, and with him enjoy the grandeur of that better home in the summer land.

*Resolved:* That we do sincerely sympathize with the family of our departed brother in their great loss, and that a copy of these resolutions be sent them; also that a copy be spread on the rolls in the archives of this Lodge; also that a copy be furnished the *Indian Arrow* and *Muskogee Phœnix* for pulication.

Committee:
GEORGE O. SANDERS,
WILLIAM A. SCOTT,
HENRY C. MEIGS.